THE

TWENTY-FIFTH LEGISLATURE

STATE OF HAWAII

REGULAR SESSION OF 2010

JOURNAL OF THE HOUSE

FIRST DAY

Wednesday, January 20, 2010

In accordance with the provisions of Section 10, Article III of the Constitution of the State of Hawaii, the House of Representatives of the Legislature of the State of Hawaii, convened in Regular Session of 2010.

The Honorable Calvin K.Y. Say, Speaker of the House of Representatives, called the House to order at 10:00 o'clock a.m.

The invocation was then delivered by Brother Bernard Ploeger, President, Chaminade University, after which the Roll was called showing all Members present.

At this time, the Speaker delivered his address, stating:

"Last year, the State of Hawaii, the nation, and the world faced an international financial meltdown unprecedented since the Great Depression.

"To prepare us for the resulting challenges, I paraphrased Martin Luther King Jr. in my 2009 Opening Day speech: "The true measure of a person is not how the person behaves in moments of comfort and convenience, but how the person stands at times of controversy and challenges."

"I then asked: "What is our true measure? How will we react to the challenges of this great State?"

"Members, I am proud to say that we accepted and confronted those challenges directly. We, along with the State Administration and the Senate, made many extremely difficult decisions to fill a gap of $2.1 billion – decisions that were very unpopular among segments of the community.

"Last year, despite clear evidence of the economic downturn and tax revenue shortfall, many parties still requested the establishment of new programs, appropriation of more moneys, or retention of tax credits of great costs. Together, we withstood the criticism, pressure, and even threats of those who opposed our actions to balance the budget. Members, last year we, along with the Senate and the State Administration, performed admirably.

"This year, again we face substantial economic and budgetary problems. The University of Hawaii Economic Research Organization projects that the unemployment rate will increase in 2010, while real personal growth will decrease. Moreover, those on the Finance Committee heard the Council on Revenues has lowered its projection of general fund revenues for the fiscal year to a minus 2.5 percent from a minus of 1.5 percent. The continuation of the Great Recession has once again caused a budget gap of another $1.2 billion.

"And so last year, Members, I laid upon us certain challenges. This year, because of the recurrent budget gap, those challenges still hold true. We must join together to resolve the budget crisis. We must focus our priorities to do so. We must maintain a basic safety net of social and health services for those who have suffered through no fault of their own. We must continue to support our public school system.

"This year, I lay one new challenge upon this chamber. Let us remember to be "unselfish" in our legislative work.

"Let us work with the sole purpose of producing good policies and legislation for the people of this great State. Let us share our ideas and, more importantly, be willing to share credit with others. Let us work without expectation of public accolade, media attention, or political reward. Let us be willing to compromise and sacrifice and subordinate ourselves when necessary to achieve positive and meaningful legislation. Let us be respectful of and listen to our fellow Members, even when they have their differing viewpoints. Let us be empathetic to our fellow Members, giving attention to their needs, vulnerabilities, and conscience. Let us all collectively share the burden of moving the State forward. We have the will and ability to do so.

"Finally, let us put the overall public good before narrow benefits to special interests. As I said last year: "Almost all special interest groups, whether for-profit or nonprofit, have organized memberships with a lobbying presence at the Legislature. Ordinary taxpayers, however, have none. They have only you and me to represent them."

"And let me repeat this, for it is a precept that can easily slip the mind during the hectic months ahead: ordinary taxpayers have only you and me. I am confident that we will not let them down.

"This year, I also lay some challenges on others involved in the political process.

"To the business community, to the trade community, to the labor community, and to the nonprofit organizations that come before this legislative body, be aware of the need for "balance" among competing interests during these extraordinary times. We recognize, with much sympathy, that both the public and private sectors have already suffered due to layoffs, furloughs, pay cuts, grant-in-aid reductions, sales decreases, business closures, and higher taxes. Nonetheless, the economic and budgetary problems persist, requiring more sacrifice rather than preservation of the status quo. This economic and budgetary crisis requires a change of attitude among all of us. I understand that you, the advocacy organizations, must lobby for your memberships and their interests, but I challenge you to take more of an unselfish approach. Be aware of the negative impacts of your positions on others and consider compromises that benefit the overall good of our economy and community. I know that your officers, representatives, and members care as much about Hawaii as we do.

"To the general public, we need you to identify your priorities, but also to be prepared for the consequences if implemented. We cannot operate with the intent of making everyone happy and expect to remain fiscally solvent. Instead, we must act on the principle that government cannot be everything to everyone. If you want more of a better public service or facilities, be prepared to pay for them. Conversely, if you do not want to pay more taxes or fees, be prepared to receive less public services or facilities. If you want more mandates on business, be prepared for an increase in the cost of compliance, and the resultant rise of consumer prices or decrease of business income. On the other hand, if you want to de-regulate business, be prepared for the diminished protection for the public health, environment, workers, and consumers. In the end, I have much faith in the fairness, altruism, foresight, and, most of all, common sense of the general public. I know that their priorities will be sound and unselfish.

"Members, at this time I am very optimistic about the next year. For us, economic recovery is approaching.

"Many signs of improvement are apparent. Hawaii has been selected to host the APEC Conference. Almost 700,000 air seats will be added to the Hawaii market by various trans-Pacific airlines. A new company of brave entrepreneurs will continue the fresh pineapple operation on Maui. A major entertainment company, without a previous presence in Hawaii, is proceeding with its Ko Olina time share project and that same company will begin filming the fourth *Pirates of the Caribbean* movie in the State during the summer. The Hawaii seed crop industry and the bottled water industry continue to grow, two bright spots in attracting out-of-state dollars into this economy. Just as beneficial, local dollars are being kept in Hawaii because more and better renewable energy projects are replacing imported fossil fuels.

"In closing, Members, be reminded that the condition of our State is not predestined, nor unchangeable. Our State is not fated to follow the economists' predictions of our short-term sluggishness. On the other hand, neither is our State fated to automatically rebound after reaching the absolute bottom of the recession. We can and must be active contributors towards the betterment of this great State that we love, and not merely passive observers content to watch from the sideline.

"Members, I am confident that we, along with the Senate and State Administration and people of Hawaii, have the character, the courage, the compassion, the intelligence, and the sense of purpose to overcome the challenges set before us. We will realize a better future for the State of Hawaii.

"To all of you Members, friends, and you, the public out there, let's get to work! Aloha!"

At this time the Chair recognized special visitors to today's Opening Day Session:

The Lieutenant Governor, Duke Aiona and Mrs. Vivian Aiona;

Legislators and members of the Fukuoka Prefecture delegation visiting from Japan;

Counsel General Yoshihiko Kamo, Consul General of Japan; and

County Council Members of the respective four counties.

The Chair then recognized Representative Finnegan, the Minority Leader, to present the Minority's response.

"Thank you, Mr. Speaker. Welcome Lt. Governor, Mrs. Aiona, and to all our special guests from Fukuoka, as well as our State, City and County governments, Mr. Speaker, Members of our House of Representatives, and to all of you who took the time to be here today. Thank you and welcome.

"I think it's fair to say that the mantra of the majority of the people in this Chamber this past year has been "hope" and "change." Your House Republicans agree with the Majority. It's time to fundamentally change the way we do things in Hawaii. The severity of our economic and budgetary challenges leaves us with no other alternative. Failure to change would be just that – a failure. It's time to make a difference in the two main areas that dominate the hearts and minds of the people of Hawaii: education and economy.

"We've spent decade after decade trying to figure out how to fix education. Despite the $2 billion we spend on education, the current DOE system continues to favor adults above students. I'm tired of hearing about Hawaii's education being ranked 47th in the nation, and you should be too. We can't fail our children again. It is time to end Furlough Fridays and other symptoms of the broken system and improve education. We are offering changes to instructional days, DOE accountability, the collective-bargaining process and Public Charter Schools.

"All of the legislative measures we will introduce focus on putting students and their needs first. Remember, the fundamental purpose of our educational system is to educate, not just to employ. Furlough Fridays demonstrate that we are not succeeding in our mission to put students first.

"I believe that all of us want to improve our economy. The primary difference between the political parties lies in how we do it. It's a matter of survival – economic survival that doesn't cause this fragile recovery to crumble. The challenges and hurdles that lie ahead in the path of full economic recovery require prudent decision-making and a long-term vision for sustainable economic growth. Our posture for economic recovery will include protecting residents from higher taxes and a higher cost of living, improving the business climate that includes decreasing the soaring unemployment insurance tax premiums, and promoting job growth measures that shape our vision for Hawaii's future. The House Republicans are committed to providing that kind of leadership here at the State Capitol.

"And although there are signs of the economy turning around, the Republican Caucus believes that raising taxes to balance the budget is the wrong decision. We are one of the highest taxed states in the nation. The more we tax, the less our hardworking people and their families have to manage family budgets. The higher the taxes, the bigger the government. The bigger the size of government, the more it contributes to inefficiency and the more it curtails personal freedom for our tax-paying residents. Answer this question: if we are to raise taxes to deal with the budget shortfall, would we decrease taxes when the economy improves? The answer is no. In times like these, people are looking for ways to be self-sufficient, to succeed. Raising taxes penalizes self-sufficiency and success, and is completely counterproductive during a recession. It's time that our State government lives within its means and makes sure that we still fund priorities like instruction days for students.

"We can't fix our economic problems by increasing the taxes on businesses. Businesses don't have more money to give to government, especially during these times. Small businesses are the engine of economic growth. Shirokiya's recent announcement of laying-off 71 employees in anticipation of the increasing unemployment insurance tax serves as powerful evidence of what businesses will and must do when taxes are increased. One of the fundamental differences between the majority and minority is the recognition that innovation in the private sector grows the economy far better than government can.

"In conclusion, fundamentally, the more you tax people, the more we become dependent on government. The more we become dependent on government, the less opportunity and personal liberty we have. There is an enduring nature of America's promise of opportunity. The continuing immigration to America is powerful testimony that people are still seeking that kind of opportunity and promise, even today. These immigrants are consciously choosing to pursue opportunity, just like my dad and my grandparents, and many of the family members before you. We, too, must consciously foster opportunity. The hope of Hawaii's future lies not in enabling inefficiencies and dependency. By embracing change and opportunity, Hawaii's best days lie ahead. It's time for things to change. It's time to put students and families first.

"Thank you, Mr. Speaker and colleagues; we look forward to working with you and to our guests who made it a point to come and talk story, the Republican Members wanted me to invite you to our offices upstairs after this. Mahalo and aloha."

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1 through 146) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1, dated August 31, 2009, transmitting the Department of Taxation report "Descriptive Statistics on the Operations of Qualified High Technology Business from 2002 Through 2008."

Gov. Msg. No. 2, dated August 28, 2009, transmitting the Hawaii Department of Agriculture Annual Report for Fiscal Year 2008 & Statistics of Hawaii Agriculture 2007 as required by HRS 141-1(7).

Gov. Msg. No. 3, dated September 8, 2009, transmitting the 2008 Annual Report of Hawaii Strategic Development Corporation pursuant to Act 211F, Section 15.

Gov. Msg. No. 4, dated October 6, 2009, transmitting the Department of Public Safety's Report to the Twenty-Fifth State Legislature pursuant to Hawaii Revised Statutes §487N-4.

Gov. Msg. No. 5, dated October 8, 2009, transmitting the Department of Land and Natural Resources' report on Geothermal Royalties Dispositions And Status of Geothermal And Cable System Development as required by Sections 182-18 and 196D-11, Hawaii Revised Statutes.

Gov. Msg. No. 6, dated October 8, 2009, transmitting the Department of Land and Natural Resources' report, Requesting The Department Of Land And Natural Resources To Submit A Project-Funded Staff Services Budget Report, as required by Section 67 of Act 162, Session Laws of Hawaii, 2009.

Gov. Msg. No. 7, dated October 14, 2009, transmitting the Department of Land and Natural Resources' report on the Operations Of The Filing Office For Financing Statements Under The Uniform Commercial Code, Secured Transactions (Revised Article 9) as required by §490:9-527, Hawaii Revised Statutes.

Gov. Msg. No. 8, dated October 14, 2009, transmitting the Department of Land and Natural Resources' report Status Of The Kaho'olawe Rehabilitation Trust Fund as required by Section 6K-9.5(e), Hawaii Revised Statutes.

Gov. Msg. No. 9, dated October 14, 2009, transmitting the Department of Land and Natural Resources' report on Revenues Generated From General Administrative Penalties Imposed Under Chapter 183, Hawaii Revised Statutes as required by Section 183-5, Hawaii Revised Statutes.

Gov. Msg. No. 10, dated October 14, 2009, transmitting the Department of Land and Natural Resources' report on Administratively Established Accounts And Funds Of The Department Of Land And Natural Resources as required by Section 37-52.5, Hawaii Revised Statutes.

Gov. Msg. No. 11, dated October 14, 2009, transmitting the Department of Land and Natural Resources' report on Identification Of Rivers And Streams Worthy Of Protection as required by Section 174C-31(c)(4), Hawaii Revised Statutes.

Gov. Msg. No. 12, dated October 20, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, Pursuant to Section 348F-4, Hawaii Revised Statutes, Disability and Communication Access Board Annual Report, Fiscal Year 2008-2009.

Gov. Msg. No. 13, dated October 21, 2009, transmitting the Report on the Number of Pen Register Orders and Orders for Trap and Trace Devices Applied for by Law Enforcement Agencies of the State Pursuant to Section 803-47(c), Hawaii Revised Statutes.

Gov. Msg. No. 14, dated October 21, 2009, transmitting the Report On Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies For Fiscal Year 2008-2009.

Gov. Msg. No. 15, dated October 21, 2009, transmitting the Report on Receipts and Expenditures of the Antitrust Trust Fund for Fiscal Year 2008-2009.

Gov. Msg. No. 16, dated October 21, 2009, transmitting the Annual Report of the Tobacco Enforcement Unit for Fiscal Year 2008-2009.

Gov. Msg. No. 17, dated October 26, 2009, transmitting the Department of Land and Natural Resources' report, Report On The Hawaii Dam And Reservoir Safety Program as required by Section 179D-29, Hawaii Revised Statutes.

Gov. Msg. No. 18, dated November 13, 2009, transmitting the Department of Land and Natural Resources' combined report, Relating To Public Land Liability And Recommendations Of The Task Force On Beach And Water Safety.

Gov. Msg. No. 19, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report, Progress Report On The Implementation Of Act 15, First Special Session Laws Of Hawaii, 2009, as required by Section 8 of Act 15, First Special Session Laws of Hawaii, 2009.

Gov. Msg. No. 20, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report Relating To The Wildlife Revolving Fund Fiscal Year 2008-2009 as required by Section 183D-10.5, Hawaii Revised Statutes.

Gov. Msg. No. 21, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report on the Status Of The Issuance Of Incidental Take Licenses For Endangered, Threatened, Proposed, And Candidate Species; And The Condition Of The Endangered Species Trust Fund For The Period July 1, 2008 – June 30, 2009 as required by Section 195D-26, Hawaii Revised Statutes.

Gov. Msg. No. 22, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report Relating To The Natural Area Reserves System, Natural Area Partnership Program, And The Financial Condition Of The Natural Area Reserve Fund as required by Section 195-6.6, Hawaii Revised Statutes.

Gov. Msg. No. 23, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report Relating To The Forest Stewardship Program as required by Section 195F-6, Hawaii Revised Statutes.

Gov. Msg. No. 24, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report on Accomplishments, Recommendations For Changes In State Plan Or Future Programs And Account Of All Income, Expenditures And Fund Balance Of The Hawaii Historic Preservation Fund For Fiscal Year 2009-2010 as required by Section 6E-3, Hawaii Revised Statutes.

Gov. Msg. No. 25, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report Status Of The Program For Environmentally-Themed Products To Support The Environment as required by Section 195D-5.5, Hawaii Revised Statutes.

Gov. Msg. No. 26, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report on the Hawaii Statewide Trail And Access System "Na Ala Hele" as required by Section 198D-9(7), Hawaii Revised Statutes.

Gov. Msg. No. 27, dated November 13, 2009, transmitting the Department of Land and Natural Resources' report on Budgetary And Other Issues Regarding Invasive Species as required by Section 194-2, Hawaii Revised Statutes and Section 19 of Act 162, Session Laws of Hawaii, 2009.

Gov. Msg. No. 28, dated November 16, 2009, transmitting the Department of Land and Natural Resources' report, Accomplishments, Recommendations For Changes In State Plan Or Future Programs And Account Of All Income, Expenditures And Fund Balance Of The Hawaii Historic Preservation Fund For Fiscal Year 2008-2009 as required by Section 6E-3, Hawaii Revised Statutes. This message replaces Gov. Msg. No. 24, which was transmitted with an erroneous title.

Gov. Msg. No. 29, dated November 16, 2009, transmitting the Department of Taxation's Goals and Objectives Report as Required by ACT 100, Session Laws of Hawaii 1999.

Gov. Msg. No. 30, dated November 16, 2009, transmitting the Department of Taxation's Electronic Funds Transfer Report as required by Section 231-9.9, Hawaii Revised Statues.

Gov. Msg. No. 31, dated November 12, 2009, transmitting the Hawaii State Public Library System's Annual Report for fiscal year ending June 30, 2009, prepared by the Hawaii State Public Library System, Department of Education, pursuant to Act 129, SLH 1989 (Library Fines and Lost Books) and Act 327, SLH 1993 (Library Fee for Enhanced Services) as amended by Act 45, SLH 1999.

Gov. Msg. No. 32, dated November 18, 2009, transmitting the Department of Land and Natural Resources' report Relating To The Land Conservation Fund And The Legacy Land Conservation Program as required by Section 173A-5, Hawaii Revised Statutes.

Gov. Msg. No. 33, dated November 19, 2009, transmitting the 2009 Annual Report on Recommendations for Denial of Claims for Legislative Relief.

Gov. Msg. No. 34, dated November 30, 2009, transmitting the report relating to Claims Against the State.

Gov. Msg. No. 35, dated November 30, 2009, transmitting the Annual Report of Proceedings under the Hawaii Omnibus Criminal Forfeiture Act for Fiscal Year 2008-2009.

Gov. Msg. No. 36, dated November 30, 2009, transmitting The Economic Impact of the High Technology Business Investment Tax Credit on Hawaii's Economy for Calendar Year 2008, as required by Act 206, Session Laws of Hawaii 2007.

Gov. Msg. No. 37, dated December 4, 2009, transmitting the Department of Land and Natural Resources' report on Disaster Relief Expenditures Resulting From The October 15, 2006 Kiholo Bay Earthquake as required by Section 5, Act 78, Session Laws of Hawaii 2007.

Gov. Msg. No. 38, dated November 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2009, pursuant to Section 321-195, Hawaii Revised Statutes, Requiring a Report on Implementation of the State Plan for Substance Abuse; Section 329-3, Hawaii Revised Statutes, Requiring a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances; Section 10 of Act 161, Session Laws of Hawaii 2002, Requiring a Status Report on the Coordination of Offender Substance Abuse Treatment Programs; and Section 29 of Act 40, Session Laws of Hawaii 2004, Requiring a Progress Report on the Substance Abuse Treatment Monitoring Program.

Gov. Msg. No. 39, dated December 4, 2009, transmitting the Department of Accounting and General Services' Annual Report of the Stadium Authority – Stadium Special Fund for fiscal year ended June 30, 2009.

Gov. Msg. No. 40, dated December 10, 2009, transmitting the Hawaii Department of Agriculture's Report of establishment of a federally funded civil service position as required in Act 162, Section 134, SLH 2009.

Gov. Msg. No. 41, dated December 15, 2009, transmitting the Hawaii Real Estate Commission's ("REC") Annual Report for fiscal year ending June 30, 2009, pursuant to Section 467-4(5), Hawaii Revised Statutes, including the Condominium Management Education Fund Report and the Condominium Education Trust Fund Report pursuant to Sections 514A-133(d) and 514B-73(d), Hawaii Revised Statutes.

Gov. Msg. No. 42, dated December 15, 2009, transmitting the Energy Feedstock Program Report as required by Act 159, Session Laws of Hawaii 2007.

Gov. Msg. No. 43, dated December 15, 2009, transmitting the Report to the Hawaii State Legislature Regular Session 2010, pursuant to Act 172, SLH 2009, Relating to Public Accountancy.

Gov. Msg. No. 44, dated December 15, 2009, transmitting the Report to the Hawaii State Legislature Regular Session 2010, Pursuant to Act 212, SLH 2008, Relating to Remote Dispensing.

Gov. Msg. No. 45, dated December 31, 2009 [*sic*], transmitting the Periodic Repricing Reviews report prepared by the Department of Education in response to SCR 064, SD1, SR 038, SD1 (2009).

Gov. Msg. No. 46, dated December 31, 2009 [*sic*], transmitting the Requesting the DOE to Conduct a Feasibility Study on Converting Hard Cover Text Books to E-books for Use in Public Schools report prepared by the Department of Education in response to SCR 030, HD1 (2009).

Gov. Msg. No. 47, dated December 31, 2009 [*sic*], transmitting the Relating to the State Budget Project Funded Staff report prepared by the Department of Education in response to HB 0200, HD1, SD1, CD1 Section 68, Act 162 (SLH 2009).

Gov. Msg. No. 48, dated December 31, 2009 [*sic*], transmitting the Relating to the State Budget Services Provided to Address the Needs of Homeless Students report prepared by the Department of Education in response to HB 0200, HD1, SD1, CD1 Section 38, Act 162 (SLH 2009).

Gov. Msg. No. 49, dated December 15, 2009, transmitting the Medical Claims Conciliation Panel Annual Report and the Design Claims Conciliation Panel Annual Report to the 2010 Legislature.

Gov. Msg. No. 50, dated December 11, 2009, transmitting a letter to fulfill the reporting requirement in Act 213, SLH 2008.

Gov. Msg. No. 51, dated December 31, 2009 [*sic*], transmitting the Educational Assessment & Accountability Annual Reports prepared by the Department of Education in response to Section 302A-1004, HRS.

Gov. Msg. No. 52, dated December 31, 2009 [*sic*], transmitting the Annual Report of the State Educational Facilities Improvement Special Fund prepared by the Department of Education in response to Section 36-32, HRS.

Gov. Msg. No. 53, dated December 31, 2009 [*sic*], transmitting the Mandatory Expulsion Policy for Possession of a Firearm SY 2008 – 2009 in response to Section 302A-1134, HRS.

Gov. Msg. No. 54, dated December 31, 2009 [*sic*], transmitting the Federal Grant Search, Development, and Application Revolving Fund report prepared by the Department of Education in response to Section 302A-1405, HRS.

Gov. Msg. No. 55, dated December 31, 2009 [*sic*], transmitting the Annual Report for Repair and Maintenance prepared by the Department of Education in response to Section 36-35; Section 36-36; and Section 302A-1312, HRS.

Gov. Msg. No. 56, dated December 31, 2009 [*sic*], transmitting the Federal and Trust Funds report prepared by the Department of Education in response to Section 29-25, HRS.

Gov. Msg. No. 57, dated December 31, 2009 [*sic*], transmitting the Transfers of Appropriated Funds and Positions report prepared by the Department of Education in response to Section 37-74 (d) HRS, Act 051 (SLH 2004).

Gov. Msg. No. 58, dated December 31, 2009 [*sic*], transmitting the Comprehensive Accountability System report prepared by the Department of Education in response to Section 302A-1004, HRS.

Gov. Msg. No. 59, dated December 31, 2009 [*sic*], transmitting the School-by-School Expenditure Report prepared by the Department of Education in response to Section 302A-1004, HRS.

Gov. Msg. No. 60, dated December 31, 2009 [*sic*], transmitting the Carry Over of Funds report prepared by the Department of Education in response to Section 37-41.5, HRS.

Gov. Msg. No. 61, dated December 15, 2009, transmitting the Report to the Legislature on Act 32, First Special Session Laws of Hawaii 2009 (1st SSLH 2009) Relating to Mortgage Loan Originators, as required by Act 32, 1st SSLH 2009.

Gov. Msg. No. 62, dated December 31, 2009 [*sic*], transmitting the Incentive and Innovation Grant Trust Fund report prepared by the Department of Education in response to Section 302A-301, HRS.

Gov. Msg. No. 63, dated December 15, 2009, transmitting the Report of the Hawaii Anti-Trafficking Task Force pursuant to Act 260, Session Laws of Hawaii 2006, as amended by Act 176, Session Laws of Hawaii 2008.

Gov. Msg. No. 64, dated December 15, 2009, transmitting the Department of Commerce and Consumer Affairs' Annual Compliance Resolution Fund Report for fiscal year ending June 30, 2009.

Gov. Msg. No. 65, dated December 15, 2009, transmitting the Loss Mitigation Grant Program Report – December 2009.

Gov. Msg. No. 66, dated December 15, 2009, transmitting the External Review Report, pursuant to Section 432E-13, Hawaii Revised Statutes.

Gov. Msg. No. 67, dated December 15, 2009, transmitting the Life Settlements Act Report, pursuant to Act 177, Session Laws of Hawaii 2008.

Gov. Msg. No. 68, dated December 15, 2009, transmitting the Report of the Insurance Commissioner – 2009.

Gov. Msg. No. 69, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 321-1.4, Hawaii Revised Statutes, Requesting the Department of Health to Submit an Annual Report that Outlines the Status of the Office of Health Care Assurance Special Fund, Including the Amount of Monies Deposited Into and Expended from the Fund, and Sources of Receipts and Uses of Expenditures.

Gov. Msg. No. 70, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to S.C.R. 89, Requesting the Department of Health and the City and County of Honolulu to Submit a Joint Report on the Cleanup and Investigation of Illegal Dumping and Illegal Structures at Laumaile Street Kalihi and the Development and Implementation of Measures to Prevent Illegal Dumping and Illegal Structures in the Future.

Gov. Msg. No. 71, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321H-4, Hawaii Revised Statutes, Requiring the Department of Health to Provide an Annual Report on the Activities Under the Neurotrauma Special Fund.

Gov. Msg. No. 72, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-234 (d), Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report on the Receipt and Expenditures from the Emergency Medical Services Special Fund.

Gov. Msg. No. 73, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 162, Section 21, Session Laws of Hawaii, 2009, A Bill Relating to the State Budget, Requiring the Department of Health to Prepare a Detailed Report on Expenditures for the Partnerships in Community Living (PICL) Program, Fiscal Year 2009-2010.

Gov. Msg. No. 74, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-22.5 (g), Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report on the Receipt and Expenditures from the Trauma System Special Fund.

Gov. Msg. No. 75, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 21, 2009 Special Session, Requesting the Department of Health to Submit an Annual Report that Identifies the Status of the Home Care Agency Licensing Program.

Gov. Msg. No. 76, dated December 16, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 333F, Section 6, Hawaii Revised Statutes, Regarding Services for Persons with Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals Who are Eligible for Services and Supports, but for Whom Services and Supports have not been Provided, and the Reasons for the Lack of Services and Supports.

Gov. Msg. No. 77, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 321-291, Hawaii Revised Statutes, Requiring the Department of Health to Give an Annual Financial Report for the Newborn Metabolic Screening Special Fund.

Gov. Msg. No. 78, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 162, Session Laws of Hawaii, 2009 (H.B. 200, H.D.1, S.D.1, C.D.1), Part III, Section 23, Requesting the Early Intervention Services Program to Provide a Report on Expenditures of the Special Fund to Support the Provision of the Early Intervention Program.

Gov. Msg. No. 79, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 321-1.5(6), Hawaii Revised Statutes, Requiring the Department of Health to Give an Annual Report on the Primary Care Incentive Program.

Gov. Msg. No. 80, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 340B-12, Hawaii Revised Statutes, Requiring the Department of Health to Provide an Annual Report of the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities.

Gov. Msg. No. 81, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 321-1.3, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report for the Domestic Violence and Sexual Assault Special Fund.

Gov. Msg. No. 82, dated December 21, 2009, transmitting the Cash Economy Enforcement Act Report as required by Act 134, Session Laws of Hawaii 2009, Section 9.

Gov. Msg. No. 83, dated December 18, 2009, transmitting the Hawaii Department of Agriculture Annual Report on Administratively Established Appropriations as required pursuant to Act 178, Session Laws of Hawaii 2002.

Gov. Msg. No. 84, dated December 16, 2009, transmitting A Report to the Legislature on "High Technology; Incubation Center; Kakaako" pursuant to Senate Bill 896, Act 150, Session Laws of Hawaii, 2007 as of January 2010.

Gov. Msg. No. 85, dated December 16, 2009, transmitting the High Technology Innovation Corporation's 2009 Annual Report, pursuant to Section 206M-56, Hawaii Revised Statutes.

Gov. Msg. No. 86, dated December 31, 2009 [*sic*], transmitting the Requesting DOE to Convene a Working Group to Develop Guidelines to Reduce the Truancy Rate in the Public School System report prepared by the Department of Education in response to SCR 074, SD1 (2008).

Gov. Msg. No. 87, dated December 31, 2009 [*sic*], transmitting the Relating to Services for Children of Incarcerated Parents report prepared by the Department of Education in response to HB 2763, HD1, SD1, CD1, Act 240 (SLH 2008).

Gov. Msg. No. 88, dated December 31, 2009 [*sic*], transmitting the Relating to Education Due Process Hearing report prepared by the Department of Education in response to SB 2004, Act 179 (SLH 2008).

Gov. Msg. No. 89, dated December 31, 2009 [*sic*], transmitting the September, 2009 Report on the Medicaid School-Based Claiming Program prepared by the Department of Education in response to SB 1394, Act 141, (SLH 2005).

Gov. Msg. No. 90, dated December 31, 2009 [*sic*], transmitting the Secondary School Student Conference report prepared by the Department of Education in response to Section 317-6 HRS.

Gov. Msg. No. 91, dated December 18, 2009, transmitting the Hawaii Department of Agriculture report entitled "Development of a Plan to Optimize the Use of the Kamuela Vacuum Cooling Plant" as required pursuant to House Concurrent Resolution No. 113, 2009 Legislative Session.

Gov. Msg. No. 92, dated December 22, 2009, transmitting the Report on the Impact of the Important Agricultural Land Qualified Agricultural Cost Tax Credit and a Quantitative and Qualitative Assessment of the Impact of the Loan Guaranty Program as required pursuant to Act 233, Session Laws of Hawaii 2008.

Gov. Msg. No. 93, dated December 31, 2009 [*sic*], transmitting the Annual Report (CY 2009) On The Medicaid School-Based Claiming Program prepared by the Department of Education in response to SB 1394, Act 141 (SLH 2005).

Gov. Msg. No. 94, dated December 31, 2009 [*sic*], transmitting the Relating to Early Learning Annual Report prepared by the Department of Education in response to SB 2878, Act 14 (SLH 2008, Special Session).

Gov. Msg. No. 95, dated December 31, 2009 [*sic*], transmitting the Relating to the State Budget Progress of Restructuring Under NCLB report prepared by the Department of Education in response to HB 0200, HD1, SD1, CD`, Section 36, Act 162 (SLH 2009).

Gov. Msg. No. 96, dated December 2009, transmitting The FY 2011 Executive Supplemental Budget, Budget in Brief, Prepared by the Department of Budget and Finance.

Gov. Msg. No. 97, dated December 21, 2009, transmitting the Governor's Budget Message as follows: [Note: H.B. No. 2200]

"EXECUTIVE CHAMBERS
State Capitol
Honolulu, Hawaii 96813

GOVERNOR'S MESSAGE TO THE 25TH STATE LEGISLATURE OF HAWAII MEETING IN THE REGULAR SESSION OF 2010

In compliance with Article VII, Section 9, of the Hawaii Constitution, I hereby submit to the State Legislature the Executive Supplemental Budget for Fiscal Biennium 2009-11 and the updated Program and Financial Plan for the period 2009-15.

This Supplemental Budget proposes a number of significant changes and adjustments to Act 162, SLH 2009, the General Appropriations Act of 2009, which authorized funding for the two-year fiscal period that began on July 1, 2009 and ends on June 30, 2011.

Much has changed in the past two years. The severe recession of 2008 swept across the nation and many parts of the world with unanticipated force and brought with it enormous challenges for governments at all levels. Its devastating effects on businesses and employment are still being felt today. The national Gross Domestic Product (GDP) began its downturn in the first quarter of calendar year 2008 and ended in the fourth quarter with essentially no growth. The year 2009 saw continued deterioration to a -1.4% decline in the first quarter and -2.4% in the second quarter. The recent improvement in third quarter GDP is the first encouraging sign in a long time and its sustainability is not yet known.

National and global economic events have had a profoundly adverse impact on Hawaii. The tourism industry has suffered severe setbacks. Visitor arrivals decreased by double-digits throughout most of 2008 and the first half of 2009. Private construction building permits went into negative territory for the same time period. Hawaii's unemployment rate, which had stayed consistently below 3% since 2004 and had been among the lowest in the nation, doubled to 6.5% in the first months of 2009. It was at 7.0 % in November 2009. After years of extraordinary growth when Total Personal Income (TPI) was in the range of 6% to 8% annual gains, Hawaii's TPI registered essentially no improvement in the first half of 2009.

Reflecting the contraction in the economy, State tax revenue collections have also been on a steep decline. General fund tax revenues fell by -9.5% in FY 2009 and are projected by the Council on Revenues (COR) to decrease by an additional -2.5% in the current FY 2010.

This is the economic and fiscal environment we have confronted during the past two years. As a State, we have had to take difficult but necessary actions to meet Hawaii's critical needs in these challenging times while dealing with historical revenue declines.

Starting with the execution of last year's budget (FY 2009), our Administration responded quickly to limit the State's exposure to the unfolding economic and fiscal uncertainties. First, hiring restrictions went into effect for all programs except those affecting public health and safety. Second, a general fund restriction of 4% on discretionary operating costs was applied to all departments. Third, restrictions were placed on specific appropriations outside of the budget. These were the beginning steps of a deliberate and prudent fiscal policy to control State spending and keep it in line with lower revenue expectations.

These restrictive measures continued when additional spending reductions were imposed (2% in January 2009 and 2% in May 2009) as we developed the budget for the Fiscal Biennium 2009-11. Sharply declining State revenues required the most severe budget reductions in recent history. General fund operating costs were cut by $270 million over the biennium. The 2009 Legislature further reduced the Executive Branch biennium budget by an additional $173 million in response to lower revised revenue projections by the COR during the session. These cost cutting decisions and various revenue generation actions by the Legislature and the Administration were instrumental in averting a serious budget shortfall at the end of FY 2009.

However, the fiscal crisis continued as we began the new fiscal biennium on July 1, 2009 with a worse-than-projected revenue picture. Using the official revenue projections from the COR as of June 2009, we had anticipated a budget gap of $633 million by the end of FY 2011. This number became significantly larger, $1.19 billion, as a result of the COR's lower revisions in August 2009. The stark reality of continuing declining general fund revenues means the State does not have sufficient resources to cover all expenditures that previously had been authorized for the new FB 2009-11 budget. The gap between projected revenues and actual appropriations must be closed to satisfy the constitutional requirement of a balanced budget. This is our paramount responsibility for the current fiscal biennium, recognizing we have an obligation to do so in a manner that protects the core functions of State government.

REVENUE PROJECTIONS

On September 29, 2009, the COR revised its general fund tax revenue projections to reflect a decrease of -1.5% for FY 10 and an increase of 6.5% for FY 11. (The previous projections were 0% and 5.6%, respectively.) To put these numbers in perspective, general fund tax revenues increased by 8.3% in FY 04, 16% in FY 05, 10.9% in FY 06, 3.4% in FY 07, and 1.2% in FY 08; positive growth was reversed by a decrease of -9.5% in FY 09.

On December 17, 2009, the COR revised its projections to reflect a decrease of -2.5% for FY 2010 and an increase of 7.6% for FY 2011. These revisions mean the cumulative general fund budget gap for the current biennium grew by another $40 million.

In the first five months of FY 2010 (July through November 2009), general fund tax collections decreased by a cumulative -6.5% over the previous year.

We estimate that general fund revenues will not return to pre-recession 2008 levels until FY 2012 at the earliest. Further, because State tax revenues lag behind improvements in the private sector economy, it is possible it will be 2014 before revenues return to pre-recession levels.

REDUCING EXPENSES IN FY 2010

As stated above, our paramount responsibility in the current fiscal biennium is to address a current revenue shortfall of $1.23 billion. The magnitude of the gap has required a substantial and immediate reduction in operating expenses. For FY 2010, spending restrictions and other administrative measures were implemented on July 1, 2009 to reduce overall spending. These included restrictions on specific appropriations, eliminating cash funding for capital improvements, debt restructuring, and a comprehensive restriction of 13.85% on operating budget appropriations.

Because payroll costs are the single largest category of expenditures in the State budget, accounting for 60% of the budget total, they must be reduced for any plan to effectively close the budget gap. Our original plan to implement a furlough of all State employees for 3 days a month was blocked. This furlough plan would have saved an estimated $680 million in general funds for the biennium.

To achieve needed payroll savings, a reduction-in-force (RIF) was initiated in August 2009. I was personally saddened by the necessity to take this action and understand the hardship it has created for those affected by the RIF. However, the State had few options to achieve immediate payroll savings.

Concurrently, collective bargaining discussions were pursued with the Hawaii State Teachers Association (HSTA), the Hawaii Government Employees Association (HGEA) and the United Public Workers (UPW) to arrive at contract agreements for the biennium. Contracts with the HGEA and the HSTA allow for furloughs averaging two days a month over the biennium. General fund savings on payroll costs including fringe benefits from the furlough plan are estimated to be $170.7 million in FY 2010.

The combination of all the above actions - - restrictions, debt restructuring, RIF, furlough and other administrative measures - - is expected to reduce general fund spending by a total of $452.3 million in FY 2010. This is a critical step toward closing the budget gap but it is not enough to close the shortfall completely. The following additional actions are needed in order to balance the 2010 budget and reflect a projected $60.3 million ending fund balance:

1. Transfer excess balances from special funds. Our most recent review of non-general fund accounts indicates a potential $10 million in excess balances that can be transferred to the General Fund.

2. Delay payment of income tax refunds within the legally allowed 90-day period starting in 2010. This option would provide a one-time savings of $275 million in FY 2010.

3. Refinance and restructure G.O. bond debt. The refinancing of debt which was recently completed in November 2009 yielded a total of $97.3 million in savings for the biennium. Additional refunding and restructuring will reduce debt service costs by $18.6 million in FY 2010.

4. Review expenditure plans and lapse excess authorizations as applicable. We will continue our efforts to closely monitor program expenditure plans to eliminate unnecessary spending and lapse any excess appropriations.

REDUCING EXPENSES IN FY 2011: SUPPLEMENTAL BUDGET REQUESTS

We must continue pursuing labor cost reductions and are redoubling our efforts to reshape State government to focus on essential and critical services. Our objective is to realign State programs and services with available resources and place the State budget on a sustainable path. The austere financial environment that we face requires nothing less.

As an integral part of budget preparation, departments and agencies have been directed to continue a critical review and re-assessment of programs to determine the core functions and essential services of State government. The overall target is a 13.85% reduction in general funded operating costs for FY 2011. Special funded programs are also required to operate under a ceiling and trim their expenses.

For capital improvements, the current level of authorizations is substantial and is deemed adequate for the biennium. Requests for new funding and projects have been kept at a minimum to curtail borrowing costs. Departments have been instructed to accommodate their capital improvement program (CIP) needs through lapses and trade offs of existing capital improvement program appropriations.

The Executive Supplemental Budget requests for FY 2010-11 are summarized below.

	FY 11 Appropriations ($million)	FY 11 Adjustments ($million)	FY 11 Requests ($million)
Operating Budget			
All means of financing (MOF)	10,467.3	(378.2)	10,089.1
General Fund	5,267.6	(348.3)	4,919.4
Capital Improvements			
All MOF	972.3	164.9	1,137.2
G.O. Bonds	185.8	46.3	232.1

The Operating Budget

The Executive Supplemental Budget submission for FY 2011 reflects the following actions:

1. **Reduce State payroll costs**. A total of 1,990 positions (1,693 permanent and 297 temporary) are proposed for elimination. A total of 792 of these positions are vacant. The distribution by departments and means of financing (MOF) is presented in the Appendix that follows. While every department is affected, the biggest reductions are in the largest general funded programs: Health, Human Services, Public Safety, Accounting and General Services, and Agriculture. The reduction includes the following components:

   - Elimination of 792 vacant positions ($29.2 million saved from all MOF, $11.1 million in general funds).

   - Elimination of up to 1,198 positions identified for layoffs under the August 2009 RIF plan ($48.8 million saved from all MOF, $42.7 million in general funds).

   - Adjustment in the number of positions that were affected by program changes due to reduction, restructuring, or MOF changes.

   For the Department of Education (DOE), the University of Hawaii (UH), and the Hawaii Health Systems Corporation (HHSC), their respective governing boards were given latitude as to how to implement a 13.85% reduction in operating expenses.

   The overall changes to the State's workforce are summarized below.

	General Fund	Other MOF	Total
Number of reductions	1,402	588	1,990
Permanent	1,263	430	1,693
Temporary	139	158	297

Filled positions	1,023	175	1,198
Vacant positions	379	413	792

2. **Pursue other labor cost savings through collective bargaining negotiations**. Another means to reduce payroll expenses is through curtailment of working days. The new contract with the HGEA implements a furlough of up to 24 days in FY 2011, and the HSTA contract includes furloughs of 17 or 21 days depending on whether the employee is a 10-month or 12-month worker. While negotiations are still pending with other unions, the departments and agencies their members work for are held to the same level of savings that can be expected from a comparable furlough. Overall payroll reductions including fringe benefits are estimated to be $198.4 million from general funds.

3. **Align program requirements with appropriate means of financing**. We have identified additional programs and activities that appropriately should be funded with revenue sources other than general funds. As a result, 22 positions and related program expenses are proposed to be funded by various federal and non-general fund sources. General fund savings of $15 million each year are derived from the following changes:

    - In the Cash Support for Families program (HMS 211), two-parent cases are moved from general funds to federal funds under the Temporary Assistance for Needy Families (TANF) program ($7.6 million).

    - In the Cash Support for Child Care program (HMS 305), childcare expenditures are moved from general funds to TANF funds ($5.5 million).

    - In Plant Quarantine (AGR 122), funding for Inspectors is changed from general funds to special funds generated by program fees (22 positions and $1.7 million).

4. **Reduce operating costs, restructure programs, and preserve essential services of State government**. As revenues continue to decline, the State cannot stay on its current course and maintain the same level of services. Reductions in general funded programs will be achieved through: consolidating and streamlining operations, rolling back non-essential or recently added services, eliminating programs of low priority, and reducing levels of benefits. Adjustments occur in the following areas:

    Department of Agriculture

    - Elimination of the Agricultural Statistics Services Branch and the Market Analysis and News Branch.

    - Deletion of 30 Inspector positions (28% reduction) in the Plant Quarantine program.

    Department of Health

    - Abolishment of Dental Hygiene Services. Preventive services to students will no longer be offered.

    - Abolishment of the Community Health Division and consolidation of services into the Tobacco Settlement program account.

    - Restructuring and merging existing services into a new General Medical and Prevention Services Division.

    - Reduction of 37 permanent positions (20% reduction) in the Adult Mental Health program for outpatient services.

    - Reduction of 62 permanent positions (36% reduction) in the Family Health Services program.

    - Reduction of 23 permanent positions (89% reduction) in the Public Health Nursing program relating to school health aides.

    - Reduction of 37 permanent positions (63% reduction) in the Vector Control Branch.

    Department of Human Services

    - Elimination of HMS 212 (Cash Support for Aged, Blind, and Disabled Individuals) and consolidating services into HMS 202 (Aged, Blind, and Disabled Payments) and HMS 204 (General Assistance Payments).

    - Curtailment of benefits in the Medicaid Adult Dental Services program to include emergency dental services only.

    - Reduction of healthcare costs through implementation of managed care and the new Basic Health Hawaii plan.

    - A reduction of 113 permanent positions (38% reduction) in the Medicaid program.

    Department of Accounting and General Services

    - Deletion of 57 permanent positions (30% reduction) in the Information Processing and Communications Services program.

    - Deletion of 49 permanent positions (33% reduction) in the Custodial Services program.

    Department of Public Safety

    - Closing of Kulani Correctional Facility on Hawaii and assigning 81 permanent positions (from a total of 91) to other facilities.

    Two significant programs will continue to require further monitoring:

    - Medicaid. Proposed appropriation levels for FY 2011 have been established using the best assumptions available regarding enrollment growth and cost containment. These assumptions may be revised if enrollment and costs exceed our current projections.

    - The Hawaii Health Systems Corporation. Proposed funding from general funds is at the level authorized for FY 2011. Any adjustment will have to be addressed during the 2010 Legislative Session.

5. **Maximize the use of federal funds**. Hawaii is receiving a substantial amount of federal assistance under the American Recovery and Renewal Act of 2009 (ARRA). A total authorization of $943 million was included for the biennium in Act 162, SLH 2009, to provide additional operating funds for higher and lower education, unemployment insurance and workforce development, health and welfare, renewable energy and environmental management, housing, and transportation. Another $19.8 million is requested in the Supplemental Budget to increase the federal ceiling for ARRA funds being received by the Housing Finance and Development Corporation. We continue to explore and maximize the opportunities for additional federal grants under ARRA as well as through traditional federal programs.

6. **Continue the restructuring and refinancing of G.O. bond debt**. Debt restructuring has been an important tool of fiscal management as we seek to find market opportunities for reducing the debt service costs of the State's borrowing program. For FY 2011, a restructuring program will provide significant savings and result in lower debt service costs.

The Capital Improvement (CIP) Budget

The capital improvement plan for FY 2011 continues to focus on an expanded Major Repair and Maintenance program aimed at getting projects done quickly to address the repair and maintenance backlog and help with job creation. Priority is given to projects currently in progress or

nearing completion and projects that improve energy efficiency or contribute to the development of clean energy alternatives for Hawaii. In the area of transportation, we will continue to make modernization plans for airports and harbors high priorities.

In an effort to update and eliminate project authorizations that are no longer necessary, we have identified a total of $70.2 million in existing CIP appropriations that are designated to lapse.

New requests for capital improvements include the following significant projects:

- A new facility for the College of Hawaiian Language at the University of Hawaii at Hilo ($31 million)
- Facility repair and maintenance and construction for public charter schools ($10 million), including $2.2 million for health and safety, $6.0 million for classroom renovations, and $1.8 million for relocating charter schools to public facilities
- Renovation of the Kulani facility and infrastructure to develop a new Youth Challenge Academy on Hawaii ($1.8 million)
- Capitalization loans for safe drinking water projects ($6.5 million)
- Capitalization loans for wastewater projects ($12.7 million)
- Improvements to Honolulu International Airport, Elliot Street support facilities ($50.9 million)

PROPOSALS TO ADDRESS THE BUDGET AND REVENUE SHORTFALL IN FY 2011

As substantial as our proposed actions are in FY 2011, these reductions are not sufficient to close the budget gap. We must consider, in this legislative session, other options for generating the revenues needed for basic support of State programs and services. Thus, in addition to the spending reductions being proposed, I am recommending that we take the following actions:

1. Refinance and restructure G.O. bond debt. Additional refunding and restructuring will reduce debt service by $75.2 million in FY 2011.
2. Suspend distribution of revenues from the Transient Accommodations Tax (TAT) to the counties. TAT taxes are currently earmarked for several purposes: funding the operations and marketing programs of the Hawaii Tourism Authority and the Hawaii Convention Center, and giving financial aid to the counties. I am recommending that distribution to the four counties be suspended until the State regains its fiscal balance.
3. Implement tax measures to reform and improve Hawaii's tax system. Legislative proposals will be submitted to make Hawaii's tax system more efficient and equitable, to tighten up tax rules, and to improve tax administration. The total tax package, including the TAT proposal, is an integral part of the General Fund Financial Plan and is estimated to generate $178.3 million in additional revenues for the State in FY 2011.

Taken together, the proposed actions summarized above are expected to generate a significant stream of additional revenues for the State and will enable us to achieve a positive balance in the General Fund for FB 2009-11 and for each year of the planning period.

These are difficult but necessary steps that we must take in order to navigate the fiscal crisis the State faces, and to meet our legal obligation to produce a balanced budget as required by the State constitution.

In these truly challenging times, I am encouraged by the positive credit ratings that Hawaii continues to receive from all three major rating agencies. In October 2009, Hawaii received a rating of "AA" from both Standard and Poor's Ratings Service and Fitch Ratings, and "Aa2" from Moody's Investor Service. These positive ratings reflect the assessment of these nationally recognized firms that Hawaii State government has consistently displayed prudence and responsibility in fiscal management and governance.

We are committed to making the hard decisions and setting a responsible course that leads Hawaii through this critical period toward a brighter future.

With aloha,

LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 98, dated December 14, 2009, transmitting the report on the nine positions established on December 7, 2009 to carry out energy activities and projects included in the State Energy Program using funding provided by the American Recovery and Reinvestment Act (ARRA).

Gov. Msg. No. 99, dated December 31, 2009 [*sic*], transmitting the Relating to Education School Impact Fees report prepared by the Department of Education in response to HB 0019, Act 245 (SLH 2007).

Gov. Msg. No. 100, dated December 31, 2009 [*sic*], transmitting the School-level Minor R & M Accounts report prepared by the Department of Education in response to Section 302A-1504.

Gov. Msg. No. 101, dated December 31, 2009 [*sic*], transmitting the Teacher Education Coordinating Committee 2008-2009 Annual Report prepared by the Department of Education in response to Section 304-20, HRS.

Gov. Msg. No. 102, dated December 28, 2009, transmitting the Department of Accounting and General Services' Report on Agencies that Delegate the Audit Responsibility and Transfer Funds in accordance with Act 162, Section 116.

Gov. Msg. No. 103, dated December 29, 2009, transmitting the Department of Accounting and General Services' Annual Report on the Building Code Council for the period December 2008 through December 2009.

Gov. Msg. No. 104, dated December 29, 2009, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives for fiscal year ending June 30, 2009.

Gov. Msg. No. 105, dated December 18, 2009, transmitting the report, Benchmarking Hawaii's Emerging Industries, pursuant to HRS 201-19(b).

Gov. Msg. No. 106, dated December 29, 2009, transmitting the Department of Accounting and General Services' Annual Report on the Wireless Enhanced 911 Board for the period July 1, 2008 through June 30, 2009.

Gov. Msg. No. 107, dated December 16, 2009, transmitting the Public Utilities Commission's Petroleum Industry Monitoring, Analysis and Reporting Program Summary Report for 2009, as required by Section 486J-5, Hawaii Revised Statutes.

Gov. Msg. No. 108, dated December 29, 2009, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for fiscal year ending June 30, 2009.

Gov. Msg. No. 109, dated December 30, 2009, transmitting the Office of Information Practices' 2009 Annual Report for fiscal year ending June 30, 2009 pursuant to section 92F-42(7), Hawaii Revised Statutes.

Gov. Msg. No. 110, dated December 29, 2009, transmitting A Report to Expedite the Production and Delivery of Hawaii Cacao to the Marketplace as required pursuant to House Concurrent Resolution No. 326, 2008 Legislature.

Gov. Msg. No. 111, dated December 16, 2009, transmitting the Public Utilities Commission's Annual Report for fiscal year ending June 30, 2009, as required by Section 269-5, Hawaii Revised Statues.

Gov. Msg. No. 112, dated December 16, 2009, transmitting the Public Utilities Commission's Special Fund Report for fiscal year ending June 30, 2009, as required by Section 269-33(c), Hawaii Revised Statutes.

Gov. Msg. No. 113, dated December 17, 2009, transmitting the State Energy Resources Coordinator's 2009 Annual Report pursuant to Chapter 196-4(11), Hawaii Revised Statutes.

Gov. Msg. No. 114, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, Sate of Hawaii, 2010, Pursuant to Act 162, Part III, Section 34, Session Laws of Hawaii, 2009, H.B. 200, Automation of Marriage Registration System, Requiring the Department of Health to Give a Report on the Funds Appropriated to Automate the System.

Gov. Msg. No. 115, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, Pursuant to H.C.R. 215, S.D.1, Regular Session, 2009, Requesting the Department of Health to Review and Assess the Policies and Procedures Implemented by Hospitals to Reduce Elective Cesarean Sections and Induction of Labor.

Gov. Msg. No. 116, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, Pursuant to Act 52, Section 4, Session Laws of Hawaii, 2008, Relating to a Report to the Legislature on the Expenditure of All Funds for the Comprehensive Breast and Cervical Cancer Control Program.

Gov. Msg. No. 117, dated December 18, 2009, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, Pursuant to Section 349-5(b)(2), Hawaii Revised Statutes, Requiring the Executive Office on Aging to Provide an Annual Evaluation Report on Elder Programs for the Governor and to the Legislature.

Gov. Msg. No. 118, dated December 30, 2009, transmitting the 2010 Exempt Study Report.

Gov. Msg. No. 119, dated December 30, 2009, transmitting the 2009 Annual Report of Hawaii Strategic Development Corporation pursuant to Act 211F, Section 15.

Gov. Msg. No. 120, dated January 7, 2010, transmitting the Report to the Legislature in Response to Act 20 Special Session 2009 Relating to Global Warming.

Gov. Msg. No. 121, dated January 8, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-347, Hawaii Revised Statutes (State Pharmacy Assistance Program Report).

Gov. Msg. No. 122, dated January 8, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-29.5, Hawaii Revised Statutes, Home Property Lien Report.

Gov. Msg. No. 123, dated January 7, 2010, transmitting the HRS 353G, Criminal Offender Treatment Act Report.

Gov. Msg. No. 124, dated January 7, 2010, transmitting the Act 100, Part II, Sections 6 and 7, Session Laws of Hawaii 1999, Annual Report on Strategic Plan, Timetable & Performance Measures, as required by Section 329-11, Hawaii Revised Statutes.

Gov. Msg. No. 125, dated January 7, 2010, transmitting the HRS 353C-7(c), Annual Report on the Status of the Federal Reimbursement Maximization Special Fund.

Gov. Msg. No. 126, dated January 7, 2010, transmitting the HRS 367D-008, Gender Responsive Community Based Programs for Women Report, as required in Section 329-11, Hawaii Revised Statutes.

Gov. Msg. No. 127, dated January 7, 2010, transmitting the Report on the Narcotics Enforcement Division as required in Section 329-11, Hawaii Revised Statutes.

Gov. Msg. No. 128, dated January 7, 2010, transmitting the Act 162, Part III, Section 44, Electronic Monitoring Pilot Program for Eligible Committed Persons, Part III, Section 45, 3 Additional Warrant Teams for FY 2010 and 2011, and Part III, Section 47, Public Safety Employees Sick Leave Abuse and Overtime Costs – Reducing Costs.

Gov. Msg. No. 129, dated January 8, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-59.9, Hawaii Revised Statutes.

Gov. Msg. No. 130, dated January 4, 2010, transmitting the 2009 Hawaii Small Business Regulatory Review Board Annual Report Summary prepared by the Department of Business, Economic Development & Tourism.

Gov. Msg. No. 131, dated January 8, 2010, transmitting the project-funded staff services budget report prepared by the Hawaii Community Development Authority pursuant to Act 162, Session Laws of Hawaii 2009, Section 63.

Gov. Msg. No. 132, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, Pursuant to Section 342G-15, Hawaii Revised Statutes, Requiring the Office of Solid Waste Management to Give an Annual Report on Solid Waste Management.

Gov. Msg. No. 133, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-27.5, Hawaii Revised Statutes, Requesting the Department of Health to Submit an Annual Audit Report of the Sanitation Branch.

Gov. Msg. No. 134, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 334-15, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report on the Mental Health and Substance Abuse Special Fund.

Gov. Msg. No. 135, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 326-25.5, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report to the Legislature on Initiatives and Improvements in Kalaupapa Settlement and to Track Patient and Non-Patient Costs Separately, Whenever Appropriate and Possible.

Gov. Msg. No. 136, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-27, Hawaii Revised Statutes, Requesting the Department of Health to Submit an Report on the Status of the Environmental Health Education Fund.

Gov. Msg. No. 137, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapters 128D and 128E, Hawaii Revised Statutes, Requiring the Department of Health to Report Environmental Response Law and Hawaii Emergency Planning and Community Right to Know Act Financial and Environmental Site Information, FY 2009.

Gov. Msg. No. 138, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 340E-33, Hawaii Revised Statutes, Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health.

Gov. Msg. No. 139, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 342D-82, Hawaii Revised Statutes, Relating to the State Water Pollution Control Revolving Fund of the Department of Health.

Gov. Msg. No. 140, dated January 13, 2010, transmitting the 50th Anniversary of Statehood Commission's final report to the 2010 Legislature, pursuant to Act 140 of the 2007 session.

Gov. Msg. No. 141, dated December 29, 2009, transmitting the 2009 Annual Report of the State of Hawaii Overseas Offices prepared by the Department of Business, Economic Development, & Tourism, pursuant to Act 201, Section 201-84.

Gov. Msg. No. 142, dated January 4, 2010, transmitting the Hawaii Employer-Union Health Benefits Trust Fund's Annual Report for fiscal year ending June 30, 2009.

Gov. Msg. No. 143, dated January 11, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Occupational Safety and Health Report of Contested Cases for fiscal year ending June 30, 2009, as required by §396-11, Hawaii Revised Statutes (HRS).

Gov. Msg. No. 144, dated January 13, 2010, transmitting the Report from the Department of Transportation on Act 162, Session Laws of Hawaii 2009, Section 81, relating to Airport Revenue Bond.

Gov. Msg. No. 145, dated January 13, 2010, transmitting the Report from the Department of Transportation on Act 162, Session Laws of Hawaii 2009, Sections 64-66, relating to Capital Improvement Program Project Staff Costs.

Gov. Msg. No. 146, dated January 13, 2010, transmitting the Report from the Department of Transportation on Act 162, Session Laws of Hawaii 2009, Sections 15 and 17, relating to Special Repair and Maintenance Appropriations.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 1 through 47) were received by the Clerk and were placed on file:

Dept. Com. No. 1, dated September 15, 2009, from the Department of Business, Economic Development and Tourism, transmitting DBEDT's CD-ROM, the 2009 Hawaii Data Disc, containing the 2004 through 2008 State of Hawaii Data Books.

Dept. Com. No. 2, from the Department of Commerce and Consumer Affairs, Division of Financial Institutions, transmitting the 2008 Annual Report.

Dept. Com. No. 3, from the Legislative Reference Bureau, transmitting the 2009 Access, Distribution, and Security Components of State Medical Marijuana Programs.

Dept. Com. No. 4, dated September 29, 2009, from Marion M. Higa, State Auditor, transmitting the report, Investment Portfolio Review of the Office of Hawaiian Affairs.

Dept. Com. No. 5, dated September 25, 2009, from Kerry Tom, Personnel Specialist, Department of Education – Office of Human Resources, transmitting the Annual Employment Report 2008 – 2009.

Dept. Com. No. 6, dated November 12, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on the University of Hawaii Project Adjustment Fund (Section 95 of Act 162, Session Laws of Hawaii 2009) as requested by the Legislature.

Dept. Com. No. 7, dated November 18, 2009, from Georgina Kawamura, Director of Finance, Department of Budget and Finance, transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 2009.

Dept. Com. No. 8, dated November 20, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Transfer of Appropriated Funds & Positions (Section 37-74, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 9, dated November 20, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on Amounts Budgeted for Personnel Costs (Section 160 of Act 162, Session Laws of Hawaii 2009) as requested by the Legislature.

Dept. Com. No. 10, dated December 2, 2009, from Marion M. Higa, State Auditor, transmitting a letter in response to Act 5, Special Session Laws of Hawaii (SSLH) 2008, which requests the Auditor to determine the effects of the Hawaii State Teacher's Association (HSTA) voluntary employees' beneficiary association (VEBA) trust pilot program on the Hawaii Employer-Union Health Benefits Trust Fund (EUTF).

Dept. Com. No. 11, dated December 4, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Government Operations (Act 100, Session Laws of Hawaii 1999).

Dept. Com. No. 12, dated December 4, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Research and Training Revolving Fund 2008-2009 (Section 304A-2253, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 13, dated December 7, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on University of Hawaii at Hilo Agriculture Programs Developed by Kulani Correctional Facility for 2010 (House Concurrent Resolution 260 HD1, 2008) as requested by the Legislature.

Dept. Com. No. 14, dated December 7, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Hawaii P-20 Partnerships for Education and Plans for Education in the Twenty-First Century (Act 281, Session Laws of Hawaii 2007) as requested by the Legislature.

Dept. Com. No. 15, dated December 7, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on University of Hawaii Uncollectible Accounts FY2009 (Section 40-82, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 16, dated December 11, 2009, from Thomas R. Keller, Administrative Director of the Courts, The Judiciary, State of Hawaii, transmitting a written report of an incident involving a security breach of personal information.

Dept. Com. No. 17, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Salary (Section 304A-1004, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 18, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on Hawaii Excellence through Science and Technology Academy Pilot Program (Act 111, Session Laws of Hawaii 2007, Section 8) as requested by the Legislature.

Dept. Com. No. 19, dated December 14, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual report on the Mauna Kea Lands (Act 132, Session Laws of Hawaii, 2009) as requested by the Legislature.

Dept. Com. No. 20, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on The Skilled Worker and Business Development Center (Act 34, Sec 2, Special Session Laws of Hawaii, 2009) as requested by the Legislature.

Dept. Com. No. 21, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on the Community College Conference Center Revolving Fund (Section 304A-2273, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 22, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on University of Hawaii Tuition & Fees Special Fund Expenditures for the

Purpose of Generating Private Donations (Section 304A-2153, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 23, dated December 15, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on the Construction Academy Curriculum (Section 304A-1144, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 24, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on University of Hawaii Special, Revolving, and Trust Funds (Section 304A-106 and Section 304A-2007, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 25, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Teacher Education Coordination Committee (Section 304A-1202, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 26, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report From The Hawaii Natural Energy Institute (Section 304A-1891, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 27, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on University of Hawaii Risk Management Special Fund (Section 304A-2151, Hawaii Revised Statutes/Act 186, Session Laws of Hawaii 2003) as requested by the Legislature.

Dept. Com. No. 28, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report from the Public Policy Center, University of Hawaii at Manoa On Hawaii 2050 Sustainability Plan for 2010 (Act 225, Session Laws of Hawaii, 2008) as requested by the Legislature.

Dept. Com. No. 29, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Final Report by the University of Hawaii at Manoa The John A. Burns School of Medicine on the Current Practices of Hawaii Telemedicine System for 2010 (House Concurrent Resolution 138 HD2, SD1, 2008) as requested by the Legislature.

Dept. Com. No. 30, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on Uses of University of Hawaii Special Funds To Finance Projects Where the Method of Financing is Designated to be by University of Hawaii Revenue Bonds (Section 84 of Act 162, Session Laws of Hawaii 2009) as requested by the Legislature.

Dept. Com. No. 31, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on University Revenue Bonds Issued FY2009 (Section 304A-2689, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 32, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on the Hawaii Institute for Education Partnership (Section 304A-1203, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 33, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Operations of the Hawaii Research Center for Future Studies (Section 304A-3253, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 34, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on a University of Hawaii Plan to Develop a Scholarship Program for Hawaii Residents to Study Abroad (House Concurrent Resolution 217 HD1, 2009) as requested by the Legislature.

Dept. Com. No. 35, dated December 18, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on Requesting the University of Hawaii System to Develop a Comprehensive Approach to the Teaching and Training of Engineering at University Campuses Statewide (Senate Resolution 150 SD1, 2009) as requested by the State Senate.

Dept. Com. No. 36, dated December 17, 2009, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on Hawaii Teacher Standard Board (Act 2, Part II, Section 9, Special Session Laws of Hawaii, 2009) as requested by the Legislature.

Dept. Com. No. 37, dated December 22, 2009, from Marion M. Higa, State Auditor, transmitting the report, Review of Revolving Funds, Trust Funds, and Trust Accounts for the Departments of the Attorney General and Business, Economic Development & Tourism, and the University of Hawaii.

Dept. Com. No. 38, dated December 2009, transmitting the State of Hawaii, Report of the Ombudsman, For the Period July 1, 2009 – June 30, 2009, Report No. 40, presented to the Legislature pursuant to Section 96-16 of the Hawaii Revised Statutes.

Dept. Com. No. 39, dated December 22, 2009, from Mike McCartney, President and Chief Executive Officer, Hawaii Tourism Authority, transmitting the Hawai'i Tourism Authority's (HTA) Annual Report for Calendar Year 2009 which provides a status of the Authority's Calendar Year 2009 activities through October 31, 2009

Dept. Com. No. 40, dated December 30, 2009, from the Department of Business, Economic Development and Tourism, on behalf of Theodore E. Liu, Co-Chair, and Laurence K. Lau, Co-Chair, Greenhouse Gas Emissions Reduction Task Force, transmitting the Greenhouse Emissions Reduction Task Force's Report to the Legislature pursuant to Section 7, Act 234, SLH 2007.

Dept. Com. No. 41, dated January 5, 2010, from Marion M. Higa, State Auditor, transmitting a letter in response to Senate Concurrent Resolution 84 (SCR 84) of the 2009 Legislative Session, which request the State Auditor to conduct an immediate financial statement audit of the Waters of Life Public Charter School for fiscal years 2006-07 and 2007-08.

Dept. Com. No. 42, dated January 6, 2010, from Clyde W. Namu'o, Office of Hawaiian Affairs, transmitting the agency's 2009 Annual Report in accordance with Section 10-15, of the Hawaii Revised Statutes.

Dept. Com. No. 43, dated January 9, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report of the Student Scholarship and Assistance Special Fund 2008-2009 (Section 304A-2159, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 44 dated January 9, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on Nursing Scholars Program (Section 304A-3305, Hawaii Revised Statutes) as requested by the Legislature.

Dept. Com. No. 45, dated January 12, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report of The Research Corporation of the University of Hawaii for the fiscal year ending June 30, 2009.

Dept. Com. No. 46, dated January 12, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report from the Medical Education Council (Section 304A-1704, Hawaii Revised Statutes/Act 181, Session Laws of Hawaii 2003) as requested by the Legislature.

Dept. Com. No. 47, dated January 5, 2010, from Karl Kim, Ph.D., University of Hawaii at Manoa, transmitting the Report to the Legislature on Hawaii's Environmental Review System, prepared pursuant to Act 1, Session Laws of Hawaii 2008.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 1 through 6) were received by the Clerk and were placed on file:

Misc. Com. No. 1, dated September 15, 2009, from Patricia Urieff, Co-Chair, Grandparents Raising Grandchildren Task Force, transmitting the June 15, 2009 Final Report from the Grandparents Raising Grandchildren Task Force.

Misc. Com. No. 2, dated November 30, 2009, from Kenneth G. Goodenow, County Clerk, County of Hawaii, transmitting a copy of Resolution 265-09 (Draft 2), which was adopted by the Council of the County of Hawaii on November 18, 2009.

Misc. Com. No. 3, transmitting the Proposed Capital Improvement Projects (CIP) for the Department of Water, County of Kauai, Request for State Aid, 2010 Legislative Session.

Misc. Com. No. 4, dated December 30, 2009, from Kelvin H. Taketa, President & CEO, Hawaii Community Foundation, transmitting the report prepared by the Hawaii Community Foundation and submitted to the Hawaii Legislature pursuant to Act 162 (SLH 2009).

Misc. Com. No. 5, dated December 30, 2009, from Lynn N. Fallin, Executive Director, Ho'okāko'o Corporation, transmitting the report to the Twenty-Sixth [*sic*] Legislature, 2010 on Senate Concurrent Resolution (SCR) 52 SD1 "Requesting that the Ho'okako'o Corporation Report on the Progress and Impacts of the Models for Expanded Learning Time being Piloted by the Ho'okako'o Corporations Partner Conversion Charter Schools," passed by the Twenty Fifth Legislature, 2009.

Misc. Com. No. 6, dated December 29, 2009, from Kaipo Duncan, Chairman, Hawaii Family Celebration 2009, transmitting the report relating to the Family Celebration Commission, pursuant to House Concurrent Resolution 269, Session Laws of Hawaii 2006.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.	Referred to:
1844	Committee on Tourism, Culture, & International Affairs, then to the Committee on Public Safety, then to the Committee on Judiciary
1845	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
1846	Committee on Judiciary, then to the Committee on Human Services, then to the Committee on Finance
1847	Committee on Health, then to the Committee on Consumer Protection & Commerce
1848	Committee on Finance
1849	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
1850	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
1851	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
1852	Committee on Education, then to the Committee on Finance
1853	Committee on Education
1854	Committee on Education, then to the Committee on Finance
1855	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
1856	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1857	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
1858	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1859	Committee on Transportation, then to the Committee on Health, then to the Committee on Finance
1860	Committee on Transportation, then to the Committee on Health, then to the Committee on Finance
1861	Committee on Judiciary
1862	Committee on Judiciary
1863	Committee on Judiciary
1864	Committee on Energy & Environmental Protection, then to the Committee on Finance
1865	Committee on Consumer Protection & Commerce
1866	Committee on Judiciary, then to the Committee on Finance
1867	Committee on Judiciary
1868	Committee on Labor & Public Employment
1869	Committee on Judiciary
1870	Committee on Finance
1871	Committee on Labor & Public Employment, then to the Committee on Finance
1872	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Labor & Public Employment, then to the Committee on Finance
1873	Committee on Labor & Public Employment, then to the Committee on Finance
1874	Committee on Labor & Public Employment
1875	Committee on Labor & Public Employment
1876	Committee on Labor & Public Employment, then to the Committee on Finance
1877	Committee on Labor & Public Employment, then to the Committee on Finance
1878	Committee on Judiciary
1879	Committee on Transportation, then to the Committee on Judiciary
1880	Committee on Finance

1881 Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1882 Committee on Water, Land, & Ocean Resources

1883 Committee on Human Services, then to the Committee on Finance

1884 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

1885 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

1886 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1887 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Transportation, then to the Committee on Finance

1888 Committee on Public Safety, then to the Committee on Finance

1889 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1890 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1891 Committee on Energy & Environmental Protection

1892 Committee on Energy & Environmental Protection

1893 Committee on Energy & Environmental Protection

1894 Committee on Energy & Environmental Protection

1895 Committee on Energy & Environmental Protection

1896 Committee on Health, then to the Committee on Consumer Protection & Commerce

1897 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1898 Committee on Higher Education, then to the Committee on Finance

1899 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1900 Committee on Economic Revitalization, Business, & Military Affairs

1901 Committee on Judiciary, then to the Committee on Finance

1902 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

1903 Committee on Labor & Public Employment, then to the Committee on Finance

1904 Committee on Labor & Public Employment, then to the Committee on Finance

1905 Committee on Labor & Public Employment, then to the Committee on Finance

1906 Committee on Consumer Protection & Commerce, then to the Committee on Finance

1907 Committee on Finance

1908 Committee on Finance

1909 Committee on Human Services

1910 Committee on Human Services

1911 Committee on Judiciary, then to the Committee on Finance

1912 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

1913 Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Finance

1914 Committee on Human Services, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1915 Committee on Human Services, then to the Committee on Finance

1916 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1917 Committee on Education, then to the Committee on Judiciary

1918 Committee on Education

1919 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Health, then to the Committee on Finance

1920 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

1921 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1922 Committee on Finance

1923 Committee on Finance

1924 Committee on Finance

1925 Committee on Finance

1926 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1927 Committee on Consumer Protection & Commerce, then to the Committee on Finance

1928 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

1929 Committee on Health, then to the Committee on Judiciary

1930 Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Judiciary

1931 Committee on Health, then to the Committee on Finance

1932 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1933 Committee on Judiciary, then to the Committee on Finance

1934 Committee on Judiciary, then to the Committee on Finance

1935 Committee on Judiciary

1936 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

1937 Committee on Judiciary, then to the Committee on Finance

1938 Committee on Judiciary

1939 Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Judiciary

1940 Committee on Judiciary

1941 Committee on Transportation, then to the Committee on Judiciary

1942 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1943 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1944 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

1945 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Transportation

1946 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Education, then to the Committee on Finance

1947 Committee on Labor & Public Employment, then to the Committee on Finance

1948 Committee on Finance

1949 Committee on Transportation, then to the Committee on Judiciary

1950 Committee on Transportation, then to the Committee on Judiciary

1951 Committee on Energy & Environmental Protection, then to the Committee on Finance

1952 Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Judiciary

1953 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1954 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

1955 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Housing, then to the Committee on Finance

1956 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

1957 Committee on Human Services, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

1958 Committee on Judiciary

1959 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1960 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

1961 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1962 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

1963 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1964 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1965 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1966 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1967 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1968 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1969 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

1970 Committee on Tourism, Culture, & International Affairs

1971 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1972 Committee on Transportation, then to the Committee on Judiciary

1973 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1974 Committee on Labor & Public Employment, then to the Committee on Finance

1975 Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1976 Committee on Transportation, then to the Committee on Finance

1977 Committee on Judiciary, then to the Committee on Finance

1978 Committee on Transportation, then to the Committee on Judiciary

1979 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

1980 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

1981 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

1982 Committee on Public Safety

1983 Committee on Public Safety, then to the Committee on Judiciary

1984 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

1985 Committee on Finance

1986 Committee on Finance

1987 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

1988 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

1989 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

1990 Committee on Judiciary, then to the Committee on Finance

1991 Committee on Judiciary, then to the Committee on Finance

1992 Committee on Judiciary

1993 Committee on Judiciary, then to the Committee on Finance

1994 Committee on Judiciary, then to the Committee on Finance

1995 Committee on Judiciary, then to the Committee on Finance

1996 Committee on Judiciary, then to the Committee on Finance

1997 Committee on Judiciary

1998 Committee on Judiciary, then to the Committee on Finance

1999 Committee on Judiciary, then to the Committee on Finance

2000 Committee on Judiciary, then to the Committee on Finance

2001 Committee on Judiciary, then to the Committee on Finance

2002 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2003 Committee on Judiciary, then to the Committee on Finance

2004 Committee on Judiciary, then to the Committee on Finance

2005 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2006 Committee on Judiciary, then to the Committee on Finance

2007 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2008 Committee on Judiciary

2009 Committee on Human Services, then to the Committee on Judiciary

2010 Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Judiciary

2011 Committee on Judiciary, then to the Committee on Finance

2012 Committee on Labor & Public Employment, then to the Committee on Finance

2013 Committee on Labor & Public Employment, then to the Committee on Finance

2014 Committee on Labor & Public Employment, then to the Committee on Finance

2015 Committee on Labor & Public Employment

2016 Committee on Public Safety

2017 Committee on Consumer Protection & Commerce

2018 Committee on Labor & Public Employment, then to the Committee on Finance

2019 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2020 Committee on Transportation, then to the Committee on Judiciary

2021 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2022 Committee on Transportation, then to the Committee on Finance

2023 Committee on Public Safety, then to the Committee on Judiciary

2024 Committee on Finance

2025 Committee on Judiciary

2026 Committee on Finance

2027 Committee on Consumer Protection & Commerce

2028 Committee on Consumer Protection & Commerce

2029 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2030 Committee on Judiciary

2031 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

2032 Committee on Finance

2033 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2034 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2035 Committee on Finance

2036 Committee on Judiciary

2037 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2038 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2039 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2040 Committee on Judiciary

2041 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2042 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2043 Committee on Labor & Public Employment, then to the Committee on Finance

2044 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2045 Committee on Transportation, then to the Committee on Judiciary

2046 Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2047 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2048 Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2049 Committee on Transportation, then to the Committee on Judiciary

2050 Committee on Finance

2051 Jointly to the Committee on Higher Education and the Committee on Judiciary, then to the Committee on Finance

2052 Committee on Higher Education, then to the Committee on Finance

2053 Committee on Higher Education, then to the Committee on Finance

2054 Committee on Higher Education, then to the Committee on Finance

2055 Committee on Higher Education, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2056 Committee on Health, then to the Committee on Consumer Protection & Commerce

2057 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2058 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2059 Committee on Public Safety, then to the Committee on Judiciary

2060 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2061 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Human Services, then to the Committee on Finance

2062 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2063 Committee on Higher Education, then to the Committee on Finance

2064 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2065 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2066 Committee on Finance

2067 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2068 Committee on Public Safety, then to the Committee on Judiciary

2069 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2070 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2071 Committee on Education, then to the Committee on Finance

2072 Committee on Education, then to the Committee on Finance

2073 Committee on Education, then to the Committee on Finance

2074 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2075 Committee on Education, then to the Committee on Judiciary

2076 Jointly to the Committee on Education and the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2077 Committee on Education

2078 Committee on Judiciary

2079 Committee on Labor & Public Employment, then to the Committee on Finance

2080 Committee on Health, then to the Committee on Transportation

2081 Committee on Health, then to the Committee on Finance

2082 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2083 Committee on Agriculture, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2084 Committee on Health, then to the Committee on Finance

2085 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2086 Committee on Health, then to the Committee on Judiciary

2087 Jointly to the Committee on Health and the Committee on Human Services, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2088 Committee on Finance

2089 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2090 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2091 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2092 Committee on Public Safety, then to the Committee on Finance

2093 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance

2094 Committee on Health, then to the Committee on Finance

2095 Committee on Health, then to the Committee on Finance

2096 Committee on Health, then to the Committee on Consumer Protection & Commerce

2097 Committee on Health

2098 Committee on Judiciary, then to the Committee on Finance

2099 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2100 Committee on Labor & Public Employment, then to the Committee on Finance

2101 Committee on Legislative Management, then to the Committee on Finance

2102 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

2103 Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance

2104 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

2105 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2106 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2107 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2108 Committee on Tourism, Culture, & International Affairs

2109 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2110 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2111 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2112 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2113 Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance

2114 Committee on Public Safety, then to the Committee on Judiciary

2115 Committee on Agriculture, then to the Committee on Judiciary

2116 Committee on Hawaiian Affairs, then to the Committee on Finance

2117 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2118 Committee on Public Safety, then to the Committee on Judiciary

2119 Committee on Energy & Environmental Protection, then to the Committee on Finance

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 1844 through 2119) passed First Reading by title and were referred to Printing:

H. B. Nos.

1844 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives M. Lee, Awana, Brower, Ito, Marumoto, Takai, Thielen and Yamane.

1845 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives M. Lee, Takai, Takumi, Chong, Coffman, Har, and M. Oshiro.

1846 "A BILL FOR AN ACT RELATING TO FUNDING FOR DOMESTIC VIOLENCE AND SEX ASSAULT SERVICES."

Introduced by: Representatives M. Lee, Awana, Evans and Thielen.

1847 "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING."

Introduced by: Representatives M. Lee, Takai and Takumi.

1848 "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS."

Introduced by: Representative Takumi.

1849 "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS."

Introduced by: Representative Takumi.

1850 "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS."

Introduced by: Representative Takumi.

1851 "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES."

Introduced by: Representative Takumi.

1852 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

1853 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS."

Introduced by: Representative Takumi.

1854 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

1855 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representatives Takumi and Morita.

1856 "A BILL FOR AN ACT RELATING TO USED MOTOR VEHICLE SALES."

Introduced by: Representative Takumi.

1857 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW."

Introduced by: Representative Takumi.

1858 "A BILL FOR AN ACT RELATING TO ELECTRONIC TRAFFIC CITATIONS."

Introduced by: Representative Souki.

1859 "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS."

Introduced by: Representative Souki.

1860 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Representative Souki.

1861 "A BILL FOR AN ACT RELATING TO FELONS."

Introduced by: Representative Rhoads.

1862 "A BILL FOR AN ACT RELATING TO PUBLIC ORDER."

Introduced by: Representative Rhoads.

1863 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Representative Rhoads.

1864 "A BILL FOR AN ACT RELATING TO EMERGENCY RESPONSE VEHICLES."

Introduced by: Representative Rhoads.

1865 "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERING AND COSMETOLOGY."

Introduced by: Representative Rhoads.

1866 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Rhoads.

1867 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Representative Rhoads.

1868 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Representative Rhoads.

1869 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Rhoads.

1870 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Representative Rhoads.

1871 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT."

Introduced by: Representative Rhoads.

1872 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Rhoads, by request.

1873 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Representative Rhoads.

1874 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representative Rhoads.

1875 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Representative Rhoads.

1876 "A BILL FOR AN ACT RELATING TO EMPLOYEES RETIREMENT SYSTEM."

Introduced by: Representative Rhoads.

1877 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Representative Rhoads.

1878 "A BILL FOR AN ACT RELATING TO REAL PROPERTY BLIGHT."

Introduced by: Representatives Marumoto, Ito, M. Lee, Mizuno, B. Oshiro, Sagum, Thielen and Har.

1879 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."

Introduced by: Representative Marumoto.

1880 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Marumoto.

1881 "A BILL FOR AN ACT RELATING TO BROMINATED FLAME RETARDANTS."

Introduced by: Representative Thielen.

1882 "A BILL FOR AN ACT RELATING TO SHORELINE SETBACK."

Introduced by: Representatives Thielen, Ito, C. Lee, Marumoto, Morita and Takumi.

1883 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES CONTRACTS."

Introduced by: Representative Mizuno.

1884 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Representatives Mizuno, Brower and Manahan.

1885 "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING."

Introduced by: Representative Mizuno.

1886 "A BILL FOR AN ACT RELATING TO CASE MANAGERS."

Introduced by: Representative Mizuno.

1887 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Representative Herkes.

1888 "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS."

Introduced by: Representative Herkes.

1889 "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION AUTHORITY."

Introduced by: Representatives Herkes and McKelvey.

1890 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives Herkes and Mizuno.

1891 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Morita.

1892 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Morita.

1893 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Morita.

1894 "A BILL FOR AN ACT RELATING TO ENVIRONMENT."

Introduced by: Representative Morita.

1895 "A BILL FOR AN ACT RELATING TO ENVIRONMENT."

Introduced by: Representative Morita.

1896 "A BILL FOR AN ACT RELATING TO DENTAL SERVICES."

Introduced by: Representative Say, by request.

1897 "A BILL FOR AN ACT RELATING TO INSTRUCTIONAL DAYS IN PUBLIC SCHOOLS."

Introduced by: Representative Say, by request.

1898 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

1899 "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS."

Introduced by: Representatives Say and McKelvey.

1900 "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL."

Introduced by: Representatives Say and McKelvey.

1901 "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT."

Introduced by: Representatives Say and Karamatsu.

1902 "A BILL FOR AN ACT RELATING TO LONG TERM CARE."

Introduced by: Representatives Say, Karamatsu, Mizuno and Yamane.

1903 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR STATE EMPLOYEES."

Introduced by: Representatives Say and Rhoads.

1904 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representative Say.

1905 "A BILL FOR AN ACT RELATING TO STATE PAYMENTS."

Introduced by: Representative Say.

1906 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

1907 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

1908 "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF STATE FUNDS."

Introduced by: Representative Say.

1909 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representative Mizuno.

1910 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representative Mizuno.

1911 "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL."

Introduced by: Representative Mizuno.

1912 "A BILL FOR AN ACT RELATING TO SHERIFFS."

Introduced by: Representative Mizuno.

1913 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Representative Mizuno.

1914 "A BILL FOR AN ACT RELATING TO ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE."

Introduced by: Representative Mizuno.

1915 "A BILL FOR AN ACT RELATING TO ASSET BUILDING."

Introduced by: Representative Mizuno.

1916 "A BILL FOR AN ACT RELATING TO BEACHES."

Introduced by: Representatives Mizuno, Hanohano, C. Lee, Pine, Thielen, Ward, Belatti and Manahan.

1917 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representatives M. Lee, Belatti, Manahan, Mizuno, Pine, Thielen, Ward, Aquino and Hanohano.

1918 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Mizuno, Hanohano, Manahan, Pine, Thielen, Ward and Rhoads.

1919 "A BILL FOR AN ACT RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS."

Introduced by: Representatives M. Lee, Aquino, Chang, C. Lee, Manahan, Mizuno, Pine, Thielen, Belatti, Hanohano and Rhoads.

1920 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE."

Introduced by: Representatives Mizuno, C. Lee, Pine, Thielen, Ward, Aquino, Belatti and Hanohano.

1921 "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX."

Introduced by: Representative Choy.

1922 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Choy.

1923 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Choy.

1924 "A BILL FOR AN ACT RELATING TO TAX DEDUCTIONS."

Introduced by: Representative Choy.

1925 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representative Choy.

1926 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."

Introduced by: Representative Choy.

1927 "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS."

Introduced by: Representative Herkes.

1928 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representative Herkes.

1929 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representative Bertram.

1930 "A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA."

Introduced by: Representative Bertram.

1931 "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS."

Introduced by: Representatives Mizuno, Brower, Evans, Yamane and Nishimoto.

1932 "A BILL FOR AN ACT RELATING TO FOOD LABELING."

Introduced by: Representatives Mizuno, Say and Yamane.

1933 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 23, OF THE HAWAII CONSTITUTION TO DEFINE MARRIAGE AS BETWEEN A MAN AND A WOMAN."

Introduced by: Representative Mizuno.

1934 "A BILL FOR AN ACT RELATING TO PERSONAL RELATIONSHIPS."

Introduced by: Representative Mizuno.

1935 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Representatives Mizuno and Evans.

1936 "A BILL FOR AN ACT RELATING TO FAMILY COURT."

Introduced by: Representatives Mizuno and Evans.

1937 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives M. Lee, Belatti, Cabanilla, Hanohano, C. Lee, Luke, Marumoto, Pine, Shimabukuro, Thielen, Wooley and Awana.

1938 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives M. Lee, Belatti, Brower, Cabanilla, Evans, Hanohano, Har, C. Lee, Luke, Marumoto, Morita, Pine, Shimabukuro, Thielen, Wooley, Awana and Tsuji.

1939 "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS."

Introduced by: Representatives M. Lee, Belatti, Brower, Cabanilla, Hanohano, C. Lee, Luke, Marumoto, Morita, Pine, Shimabukuro and Wooley.

1940 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Awana, Belatti, Brower, Cabanilla, Evans, Hanohano, Har, C. Lee, M. Lee, Luke, Marumoto, Morita, Pine, Shimabukuro, Thielen and Wooley.

1941 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Thielen, by request.

1942 "A BILL FOR AN ACT RELATING TO VETERANS COURT."

Introduced by: Representatives Takai, Bertram, Evans, Pine, Keith-Agaran, M. Lee, McKelvey, B. Oshiro and Yamane.

1943 "A BILL FOR AN ACT RELATING TO VETERANS."

Introduced by: Representatives Takai and McKelvey.

1944 "A BILL FOR AN ACT RELATING TO HEALTH CLUBS."

Introduced by: Representatives Takai and McKelvey.

1945 "A BILL FOR AN ACT RELATING TO LICENSE PLATES."

Introduced by: Representatives Takai and McKelvey.

1946 "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD."

Introduced by: Representatives Takai and McKelvey.

1947 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, B. Oshiro, M. Oshiro, Rhoads, Say and Yamashita.

1948 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, M. Oshiro and Say.

1949 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representative Chong, by request.

1950 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives Takai, Evans, Keith-Agaran and M. Lee.

1951 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Takai.

1952 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives Takai, Evans, M. Lee and Keith-Agaran.

1953 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

1954 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."

Introduced by: Representative Say.

1955 "A BILL FOR AN ACT RELATING TO RENTAL HOUSING."

Introduced by: Representative Say.

1956 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."

Introduced by: Representative Say.

1957 "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH."

Introduced by: Representatives Mizuno, Brower, Cabanilla and Evans.

1958 "A BILL FOR AN ACT RELATING TO VIOLENT CRIME."

Introduced by: Representatives Mizuno, Brower, Hanohano, Manahan, Pine, Rhoads, Thielen, Yamane, Chang and Evans.

1959 "A BILL FOR AN ACT RELATING TO FISHING."

Introduced by: Representatives Mizuno, Brower, Ito, McKelvey, Sagum, Carroll and Har.

1960 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives Carroll, Evans, Hanohano, Mizuno and Har.

1961 "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE REHABILITATION TRUST FUND."

Introduced by: Representatives Carroll, Evans, Hanohano, Thielen, Har, Rhoads and Tsuji.

1962 "A BILL FOR AN ACT RELATING TO FOOD LABELING."

Introduced by: Representatives Carroll, Hanohano, Evans, Keith-Agaran, Magaoay, Mizuno and Rhoads.

1963 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Har, Magaoay, Mizuno and Tsuji.

1964 "A BILL FOR AN ACT RELATING TO REPATRIATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Magaoay, Mizuno, Thielen, Har, Keith-Agaran and Tsuji.

1965 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Magaoay and Tsuji.

1966 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Har, Magaoay and Tsuji.

1967 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Magaoay, Mizuno, Thielen and Tsuji.

1968 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Tsuji, Har and Magaoay.

1969 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Magaoay, Mizuno, Har, Keith-Agaran and Tsuji.

1970 "A BILL FOR AN ACT RELATING TO INDIGENOUS PEOPLE DAY."

Introduced by: Representatives Carroll, Evans, Hanohano, Keith-Agaran, Mizuno and Tsuji.

1971 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."

Introduced by: Representatives Carroll, Evans, Hanohano, Har, Magaoay, Mizuno and Tsuji.

1972 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."

Introduced by: Representatives Magaoay, Awana, Evans, Hanohano, Keith-Agaran, Souki, M. Lee, B. Oshiro and Say.

1973 "A BILL FOR AN ACT RELATING TO DESECRATION."

Introduced by: Representatives Magaoay, Evans, Morita, Cabanilla, Herkes, Ito, B. Oshiro, Sagum, Say and Souki.

1974 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representatives Magaoay, Evans, Keith-Agaran, M. Lee, B. Oshiro and Say.

1975 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Representatives Magaoay, Cabanilla, Coffman, Evans, Morita, Ito, B. Oshiro, Sagum, Say and Souki.

1976 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki and Awana.

1977 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki and Awana.

1978 "A BILL FOR AN ACT RELATING TO TOWING."

Introduced by: Representatives Souki and Awana.

1979 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Manahan.

1980 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Manahan.

1981 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Hanohano and Evans.

1982 "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION."

Introduced by: Representatives Hanohano and Evans.

1983 "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS."

Introduced by: Representatives Hanohano and Evans.

1984 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Thielen.

1985 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Oshiro.

1986 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Representative M. Oshiro.

1987 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative M. Oshiro.

1988 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW THE GOVERNOR TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF EDUCATION UPON CONFIRMATION BY BOTH THE HOUSE OF REPRESENTATIVES AND THE SENATE."

Introduced by: Representative M. Oshiro.

1989 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives M. Oshiro.

1990 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 2, OF THE HAWAII CONSTITUTION TO AUTHORIZE THE TEMPORARY ASSIGNMENT OF CIRCUIT COURT JUDGES TO THE DISTRICT COURT."

Introduced by: Representative Say, by request.

1991 "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE."

Introduced by: Representative Say, by request.

1992 "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT."

Introduced by: Representative Say, by request.

1993 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."

Introduced by: Representative Say, by request.

1994 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."

Introduced by: Representative Say, by request.

1995 "A BILL FOR AN ACT RELATING TO DISTRICT COURT."

Introduced by: Representative Say, by request.

1996 "A BILL FOR AN ACT RELATING TO THE DNA ANALYSIS FEE."

Introduced by: Representative Say, by request.

1997 "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS."

Introduced by: Representative Say, by request.

1998 "A BILL FOR AN ACT RELATING TO JUDICIARY FEES."

Introduced by: Representative Say, by request.

1999 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Representative Say, by request.

2000 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Representative Say, by request.

2001 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION."

Introduced by: Representative Say, by request.

2002 "A BILL FOR AN ACT RELATING TO HAWAIIAN ARTIFACTS."

Introduced by: Representative Say, by request.

2003 "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING."

Introduced by: Representative Say, by request.

2004 "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING."

Introduced by: Representative Say, by request.

2005 "A BILL FOR AN ACT RELATING TO BICYCLES AND MOPED FEES."

Introduced by: Representative Say, by request.

2006 "A BILL FOR AN ACT RELATING TO WITNESSES."

Introduced by: Representative Say, by request.

2007 "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS."

Introduced by: Representative Say, by request.

2008 "A BILL FOR AN ACT RELATING TO DANGEROUS INSTRUMENTS."

Introduced by: Representative Say, by request.

2009 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS."

Introduced by: Representative Say, by request.

2010 "A BILL FOR AN ACT RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES."

Introduced by: Representative Say, by request.

2011 "A BILL FOR AN ACT RELATING TO SUBPOENAS."

Introduced by: Representative Say, by request.

2012 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representative Say, by request.

2013 "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say, by request.

2014 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representative Say, by request.

2015 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representative Say, by request.

2016 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representative Say, by request.

2017 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representative Say, by request.

2018 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES."

Introduced by: Representative Say, by request.

2019 "A BILL FOR AN ACT RELATING TO PARKS."

Introduced by: Representative Say, by request.

2020 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representative Say, by request.

2021 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representative Say, by request.

2022 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representative Say, by request.

2023 "A BILL FOR AN ACT RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT."

Introduced by: Representative Say, by request.

2024 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR 'ALIOMANU ROAD RECONSTRUCTION AND PROTECTION, KAPA'A NEW PARK (STADIUM) IMPROVEMENTS, OPEN SPACE/PARK LAND ACQUISITION, AND KILAUEA AGRICULTURAL PARK DEVELOPMENT FOR THE COUNTY OF KAUA'I."

Introduced by: Representative Say, by request.

2025 "A BILL FOR AN ACT RELATING TO USE OF DEADLY FORCE."

Introduced by: Representative Herkes.

2026 "A BILL FOR AN ACT RELATING TO DISASTER RELIEF."

Introduced by: Representative Herkes.

2027 "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS."

Introduced by: Representative Herkes.

2028 "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE."

Introduced by: Representative Herkes, by request.

2029 "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS."

Introduced by: Representative Herkes.

2030 "A BILL FOR AN ACT RELATING TO INTERNET CALLER IDENTIFICATION."

Introduced by: Representatives Herkes and Evans.

2031 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative Nakashima.

2032 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."

Introduced by: Representative Keith-Agaran.

2033 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representative Keith-Agaran.

2034 "A BILL FOR AN ACT RELATING TO WATER RIGHTS."

Introduced by: Representative Keith-Agaran.

2035 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Keith-Agaran, C. Lee, Nakashima, Aquino, Choy and Wooley.

2036 "A BILL FOR AN ACT RELATING TO EVIDENCE."

Introduced by: Representatives Keith-Agaran, Nishimoto, Karamatsu, McKelvey, Souki and Yamashita.

2037 "A BILL FOR AN ACT RELATING TO NET ENERGY METERING."

Introduced by: Representatives Keith-Agaran, Bertram, McKelvey, Souki and Yamashita.

2038 "A BILL FOR AN ACT RELATING TO STATE LOTTERY."

Introduced by: Representative Nishimoto, by request.

2039 "A BILL FOR AN ACT RELATING TO RENTAL PROPERTY MANAGERS."

Introduced by: Representative Nishimoto, by request.

2040 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Representative Nishimoto, by request.

2041 "A BILL FOR AN ACT RELATING TO LOCKSMITHS."

Introduced by: Representative Nishimoto, by request.

2042 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representative Nishimoto, by request.

2043 "A BILL FOR AN ACT RELATING TO HOURS OF WORK."

Introduced by: Representative Nishimoto.

2044 "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT."

Introduced by: Representative Nishimoto, by request.

2045 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representative Nishimoto.

2046 "A BILL FOR AN ACT RELATING TO MOTOR SCOOTERS."

Introduced by: Representative Nishimoto.

2047 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."

Introduced by: Representative Nishimoto.

2048 "A BILL FOR AN ACT RELATING TO SOLAR ENERGY."

Introduced by: Representative Nishimoto, by request.

2049 "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES."

Introduced by: Representatives Chang, Awana, Berg, Evans, Hanohano, Ito, Manahan, McKelvey, Mizuno, Morita, Nakashima, B. Oshiro, Sagum, Takai, Takumi, Tsuji, Yamane, Bertram, Magaoay and Souki.

2050 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chang, Awana, Berg, Hanohano, Ito, McKelvey, Mizuno, Morita, Nakashima, Sagum, Takai, Tsuji, Yamane, Bertram, Evans, Magaoay, B. Oshiro, Rhoads and Souki.

2051 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Chang, Evans, Hanohano, Ito, Nakashima, Souki, Takai, Tsuji, Bertram, Coffman, Manahan, McKelvey, B. Oshiro and Takumi.

2052 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Chang, Bertram, Evans, Hanohano, McKelvey, Nakashima, Souki, Takai, Tsuji, Coffman, Ito, Manahan, B. Oshiro, Rhoads, Takumi and Yamane.

2053 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND."

Introduced by: Representatives Chang, Evans, Hanohano, McKelvey, Nakashima, Takai, Tsuji, Yamane, Berg, Bertram, Coffman, Ito, Manahan, B. Oshiro, Souki and Takumi.

2054 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Chang, Hanohano, Nakashima, Takai, Bertram, Coffman, Evans, Ito, McKelvey, B. Oshiro, Rhoads, Souki, Takumi and Tsuji,.

2055 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Chang, Bertram, Coffman, Evans, Hanohano, Ito, McKelvey, Nakashima, Souki, Takai, Takumi and Tsuji.

2056 "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE."

Introduced by: Representatives Chang, Evans, Hanohano, Ito, Manahan, McKelvey, Nakashima, Souki, Takai, Tsuji, Berg, Bertram, Coffman, B. Oshiro and Rhoads.

2057 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives Evans and Choy.

2058 "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY."

Introduced by: Representative Evans.

2059 "A BILL FOR AN ACT RELATING TO REGISTERED COVERED OFFENDERS."

Introduced by: Representatives Evans, Awana, Hanohano, Mizuno, Brower and Nakashima.

2060 "A BILL FOR AN ACT RELATING TO HUNTING."

Introduced by: Representatives Evans and Awana.

2061 "A BILL FOR AN ACT RELATING TO CHILDREN."

Introduced by: Representative Evans.

2062 "A BILL FOR AN ACT RELATING TO BIRTH DEFECTS WARNING SIGNS."

Introduced by: Representatives Evans, Brower, Hanohano, Mizuno, Awana, Manahan, Nakashima and Yamane.

2063 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives McKelvey, Chang and Evans.

2064 "A BILL FOR AN ACT RELATING TO GRAVE DESECRATION."

Introduced by: Representatives McKelvey, Evans, Har, Ito, M. Lee, Magaoay, Tsuji and Yamashita.

2065 "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD."

Introduced by: Representatives McKelvey, Awana, Choy, Evans, Mizuno, Sagum and Wakai.

2066 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-THIRD, THIRTY-FOURTH, AND THIRTY-SIXTH REPRESENTATIVE DISTRICTS."

Introduced by: Representatives Takai, B. Oshiro and Takumi.

2067 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Representatives Takai, Bertram, Brower, Cabanilla, Hanohano, Takumi, C. Lee, B. Oshiro, Rhoads and Souki.

2068 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Takai and Hanohano.

2069 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representatives McKelvey, Bertram, Belatti, Berg, Keith-Agaran, C. Lee and Morita.

2070 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2071 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Belatti, Bertram, Carroll, Ching, Evans, Hanohano, M. Lee, Manahan, Marumoto, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, Thielen, Tsuji, Yamane, Chong, Ito, Karamatsu, Rhoads, Sagum and Yamashita.

2072 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION FUNDS."

Introduced by: Representative Takumi.

2073 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representative Takumi.

2074 "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS."

Introduced by: Representative Takumi.

2075 "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL."

Introduced by: Representative Takumi.

2076 "A BILL FOR AN ACT RELATING TO RESEARCH."

Introduced by: Representative Takumi.

2077 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2078 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."

Introduced by: Representative Takumi.

2079 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representative Takumi.

2080 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representatives Yamane, Aquino, Brower, M. Lee, Mizuno, Nishimoto and Souki.

2081 "A BILL FOR AN ACT RELATING TO PREMATURE INFANT HEALTH CARE."

Introduced by: Representatives Yamane, Brower, M. Lee, Mizuno and Nishimoto.

2082 "A BILL FOR AN ACT RELATING TO BOTTLED WATER."

Introduced by: Representatives Yamane, Aquino, Berg, Har, Ito, Manahan, Mizuno, Sagum, Takai, Choy, McKelvey, Nakashima, B. Oshiro, Pine, Rhoads, Takumi, Tsuji and Wakai.

2083 "A BILL FOR AN ACT RELATING TO MILK LABELING."

Introduced by: Representatives Yamane, Aquino, Har, Manahan, Nishimoto, B. Oshiro, Yamashita, Chong, Herkes, Ito, M. Lee and Tsuji.

2084 "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS."

Introduced by: Representatives Yamane, Aquino, Evans, Har, Herkes, M. Lee, Manahan, McKelvey, Mizuno, Nakashima, Nishimoto, B. Oshiro, Rhoads, Tsuji and Yamashita.

2085 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Yamane, Mizuno, Nishimoto, Yamashita, Brower, Chong, Herkes and Tsuji.

2086 "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA."

Introduced by: Representatives Yamane, Aquino, Chong, Herkes, Mizuno, Nishimoto, B. Oshiro, Tsuji, Yamashita and Manahan.

2087 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Yamane, Aquino, Brower, Chong, Manahan, Mizuno, Nishimoto and Herkes.

2088 "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION."

Introduced by: Representatives Yamane, Aquino, Brower, Herkes, Manahan, Mizuno, Nishimoto, B. Oshiro, Chong, Rhoads, Tsuji and Yamashita.

2089 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Representatives Yamane, Aquino, Brower, Har, Manahan, Mizuno, Nishimoto, Chong, Ito, M. Lee, B. Oshiro, Rhoads, Sagum, Souki, Tsuji and Yamashita.

2090 "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS."

Introduced by: Representatives Yamane, Aquino, Brower, Manahan, Mizuno, Nishimoto, Tsuji, Yamashita, Chong, Herkes, B. Oshiro and Wakai.

2091 "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY."

Introduced by: Representatives Yamane, Brower, Manahan, Mizuno, Nishimoto, Tsuji, Yamashita, Aquino, Chong, Herkes, B. Oshiro, Rhoads and Wakai.

2092 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Yamane, Hanohano, Ito, M. Lee, McKelvey, B. Oshiro, Yamashita, Aquino, Har and Manahan.

2093 "A BILL FOR AN ACT RELATING TO THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES."

Introduced by: Representatives Yamane, Brower, Mizuno and Nishimoto.

2094 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH."

Introduced by: Representatives Yamane, Aquino, Brower, Chong, M. Lee, Mizuno, Nishimoto and Yamashita.

2095 "A BILL FOR AN ACT RELATING TO EMERGENCY PHYSICIANS."

Introduced by: Representatives Yamane, Evans, Nishimoto, Chong, M. Lee, Magaoay, B. Oshiro and Yamashita.

2096 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Representatives Yamane, Mizuno and Nishimoto.

2097 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Representative Yamane.

2098 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO THE DISPOSITION OF PROJECTED EXCESS REVENUES."

Introduced by: Representative Rhoads.

2099 "A BILL FOR AN ACT RELATING TO MINIMUM HOURLY WAGE."

Introduced by: Representative Rhoads.

2100 "A BILL FOR AN ACT RELATING TO WAGES AND HOURS OF EMPLOYEES ON SERVICE CONTRACTS."

Introduced by: Representative Rhoads.

2101 "A BILL FOR AN ACT RELATING TO CUSTOMER SERVICE."

Introduced by: Representative Rhoads.

2102 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative Rhoads.

2103 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representative Rhoads.

2104 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Evans and Tsuji.

2105 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representative Evans.

2106 "A BILL FOR AN ACT RELATING TO CONSERVATION."

Introduced by: Representative Evans.

2107 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Representative Evans.

2108 "A BILL FOR AN ACT RELATING TO HOLIDAYS."

Introduced by: Representative Evans.

2109 "A BILL FOR AN ACT RELATING TO REVENUES FROM THE LEASING OF STATE WATERS."

Introduced by: Representative Evans.

2110 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representative Evans.

2111 "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."

Introduced by: Representative Evans.

2112 "A BILL FOR AN ACT RELATING TO EXCHANGE ACCOMMODATION."

Introduced by: Representatives Morita, Sagum and Tokioka.

2113 "A BILL FOR AN ACT RELATING TO CONSERVATION OUTREACH."

Introduced by: Representative Morita, by request.

2114 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Takumi, Awana, Berg, Bertram, Brower, Evans, Ito, Keith-Agaran, M. Lee, Morita, Nishimoto, Pine, Souki, Takai, Ward, Yamane, Herkes, McKelvey and Rhoads.

2115 "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS."

Introduced by: Representatives Carroll, Hanohano, Berg, Bertram, Brower, Chong, Har, Morita, Nishimoto, B. Oshiro and Souki.

2116 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."

Introduced by: Representatives Carroll, Berg, Bertram, Sagum, M. Lee, Magaoay and Souki.

2117 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Carroll, Awana, Hanohano and Ito.

2118 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representatives Carroll, Awana, Chang, Evans, Hanohano, Magaoay and Sagum.

2119 "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES."

Introduced by: Representatives Carroll, Awana, Chang, Evans, Hanohano, Ito, M. Lee, Magaoay and Sagum.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 1) and concurrent resolutions (H.C.R. Nos. 1 and 2) were announced by the Clerk and were disposed of as follows:

H.R. No. 1, entitled: "HOUSE RESOLUTION RELATING TO THE CAUCUS LEADERS AND THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE," was offered by Representative Say.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 1 was adopted.

H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2010," was jointly offered by Representatives B. Oshiro and Finnegan.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 1 was adopted.

H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was jointly offered by Representatives Say, Finnegan, Magaoay, and B. Oshiro.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 2 was adopted.

ANNOUNCEMENTS

Representative Marumoto: "Thank you, Mr. Speaker. On this historic, austere Opening Day, I'd like to point out to the assembled legislators and friends that students of Kalani High School have displayed several sculptures in the basement of the Capitol, at the Chamber entrance. The large sculptures are made of scotch tape and serve as a commentary on an important national issue. Their teacher, John Nippolt, is to be commended. So please stop by to see these thoughtful expressions of our young people. Thank you."

Representative Pine: "Yes, Mr. Speaker, I also want to announce to legislators that Generation Joshua is here today. There are about 30 students that are here today to share with us how they would like to solve our government situation."

Representative Rhoads: "Mr. Speaker, I just want to remind Members that I will have the unemployment insurance tax deferral bill available for signature after the session is over in the caucus room. Mahalo."

ADJOURNMENT

At 10:28 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, January 21, 2010.

SECOND DAY

Thursday, January 21, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:07 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Pono Chong, after which the Roll was called showing all Members present with the exception of Representatives Har, Nishimoto, M. Oshiro and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 147 through 149) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 147, dated January 19, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Hoisting Machine Operator's Advisory Board Annual Report for fiscal year ending June 30, 2009, as required by Section 396-20, Hawaii Revised Statutes.

Gov. Msg. No. 148, dated January 11, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Hawaii Labor Relations Board's Annual Report for fiscal year ending June 30, 2009, as required by §89-5, Hawaii Revised Statutes (HRS).

Gov. Msg. No. 149, dated January 20, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Reports on the following Non-General Fund Information:

1. Employment and Training Fund for fiscal year ending June 30, 2009, as required by §383-128, Hawaii Revised Statutes (HRS);
2. Premium Supplementation Fund (PHC) for fiscal year ending June 30, 2009, as required by §393-41, HRS;
3. Special Compensation Fund for fiscal year ending June 30, 2009, as required by §386-151, HRS;
4. Special Fund for Temporary Disability Benefits (TDI) for fiscal year ending June 30, 2009, as required by §392-61, HRS;
5. Unemployment Insurance Trust Fund for fiscal year ending June 30, 2009, as required by §383-121, HRS;
6. Special Unemployment Insurance Administration Fund for fiscal year ending June 30, 2009, as required by §383-127, HRS.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1 and 2) were received and announced by the Clerk:

Sen. Com. No. 1, transmitting S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS," which was adopted by the Senate on January 20, 2010.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, S.C.R. No. 1 was adopted, with Representatives Har and M. Oshiro being excused.

Sen. Com. No. 2, transmitting S.C.R. No. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNIVERSITY OF HAWAII TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE UNIVERSITY OF HAWAII SYSTEM ADDRESS," which was adopted by the Senate on January 20, 2010.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, S.C.R. No. 2 was adopted, with Representative Har being excused.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 48) was received by the Clerk and was placed on file:

Dept. Com. No. 48, dated January 20, 2010, from Ken H. Takayama, Director, Legislative Reference Bureau, transmitting on behalf of the Task Force on Reinventing Government, the final report of the Task Force, as finalized and formatted by the Legislative Reference Bureau.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 7 and 8) were received by the Clerk and were placed on file:

Misc. Com. No. 7, dated January 19, 2010, from Warren Haruki, Chairman, Construction Industry Task Force, transmitting the report pursuant to Senate Concurrent Resolution No. 132, Senate Draft 1 of 2009.

Misc. Com. No. 8, dated January 13, 2010, from David R. Craddick, Manager and Chief Engineer, Department of Water, County of Kauai, transmitting a letter on behalf of the Kauai Department of Water, to ask for assistance in proposing a bill to the Legislature to amend H.R.S. 54-25.

INTRODUCTIONS

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

Representative Takumi, on behalf of Representatives Takai, B. Oshiro and himself, introduced Mr. Sol Ray Duncan, a member of the Pearl City Neighborhood Board.

Representative Brower introduced Ms. Jo-Ann Adams, a member of the Waikiki Neighborhood Board.

Representative Tsuji, on behalf of the Big Island delegation, introduced Charter School Administrators from the Big Island.

Representative Mizuno introduced former Representative, Dennis Arakaki.

Representative Evans introduced Mr. Ron Baird, Executive Director of the Natural Energy Laboratory of Hawaii Authority.

Representative Finnegan introduced her constituent, Ms. Janice Pechauer.

ORDER OF THE DAY

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 2120 through 2255) passed First Reading by title and were referred to Printing: (Representatives Har and Thielen were excused.)

H. B. Nos.

2120 "A BILL FOR AN ACT RELATING TO SHORELINE SETBACKS."

Introduced by: Representatives Thielen, C. Lee and Morita.

2121 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."

Introduced by: Representatives B. Oshiro, Ito and Souki.

2122 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives B. Oshiro and Finnegan.

2123 "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS."

Introduced by: Representative Takai.

2124 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Takai.

2125 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Representatives Nakashima, Aquino, Choy, Coffman, Keith-Agaran, C. Lee and Wooley.

2126 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EDUCATION."

Introduced by: Representatives Nakashima, Aquino, Choy, Coffman, Keith-Agaran, C. Lee and Wooley.

2127 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Nakashima, Aquino, Choy, Coffman, Keith-Agaran, C. Lee and Wooley.

2128 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives Choy, Aquino, Coffman, Keith-Agaran, C. Lee, Nakashima and Wooley.

2129 "A BILL FOR AN ACT RELATING TO GRAFFITI."

Introduced by: Representatives Aquino, Choy, Coffman, Keith-Agaran, C. Lee, Nakashima and Wooley.

2130 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Wooley, Aquino, Choy, Coffman, Keith-Agaran, C. Lee and Nakashima.

2131 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."

Introduced by: Representative Choy, by request.

2132 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives B. Oshiro, Cabanilla, Chong and Herkes.

2133 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representatives B. Oshiro, Herkes, Magaoay, Yamashita, Chong, McKelvey and Say.

2134 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."

Introduced by: Representatives B. Oshiro and Belatti.

2135 "A BILL FOR AN ACT RELATING TO CONSERVATION OUTREACH."

Introduced by: Representative Coffman, by request.

2136 "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS."

Introduced by: Representative Herkes.

2137 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS."

Introduced by: Representatives Mizuno, C. Lee, Pine, Thielen, Belatti and Rhoads.

2138 "A BILL FOR AN ACT RELATING TO HEALTHY START."

Introduced by: Representative Mizuno.

2139 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Mizuno, Aquino, Belatti, Hanohano, C. Lee, Pine and Thielen.

2140 "A BILL FOR AN ACT RELATING TO SCHOOL ATHLETICS."

Introduced by: Representatives Mizuno, Hanohano, C. Lee, Manahan, Pine, Thielen, Ward, Aquino and Rhoads.

2141 "A BILL FOR AN ACT RELATING TO RECYCLING IN SCHOOLS."

Introduced by: Representatives Mizuno, Hanohano, C. Lee, Manahan, Pine, Thielen, Ward and Aquino.

2142 "A BILL FOR AN ACT RELATING TO A SILVER ALERT PROGRAM FOR MISSING SENIOR CITIZENS."

Introduced by: Representatives M. Lee, Aquino, Belatti, Cabanilla, Har, Mizuno, Morita, Shimabukuro, Thielen and Tokioka.

2143 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives M. Lee, Evans, Manahan, Mizuno, Rhoads, Takai, Takumi, Coffman and Har.

2144 "A BILL FOR AN ACT RELATING TO LEGISLATIVE CAUCUSES."

Introduced by: Representatives M. Lee, Awana, Har, Manahan, Mizuno, Takai, Thielen and Marumoto.

2145 "A BILL FOR AN ACT RELATING TO LONG TERM CARE."

Introduced by: Representatives M. Lee, Aquino, Mizuno, Morita, Rhoads and Shimabukuro.

2146 "A BILL FOR AN ACT RELATING TO PRE-NEED FUNERAL PLANS."

Introduced by: Representatives M. Lee, Cabanilla, Morita, Shimabukuro, Aquino, Mizuno and Rhoads.

2147 "A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES."

Introduced by: Representatives M. Lee, Morita and Thielen.

2148 "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION."

Introduced by: Representatives M. Lee, Awana, Manahan and Mizuno.

2149 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representatives M. Lee, Awana, Manahan and Mizuno.

2150 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representative M. Lee.

2151 "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND."

Introduced by: Representatives M. Lee, Mizuno, Aquino, Chong, Morita, B. Oshiro, Rhoads, Shimabukuro and Yamashita.

2152 "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES."

Introduced by: Representatives M. Lee, Brower, Chong, Choy, Coffman, Har, Keith-Agaran, Morita, B. Oshiro, Rhoads, Sagum and Tokioka.

2153 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives M. Lee, Morita, B. Oshiro, M. Oshiro, Rhoads, Shimabukuro, Takai, Aquino and Mizuno.

2154 "A BILL FOR AN ACT RELATING TO HEALTH CARE CASE MANAGEMENT."

Introduced by: Representatives Mizuno, Awana, Belatti, Brower, Magaoay, Manahan, Pine, Aquino, Keith-Agaran, Sagum and Tsuji.

2155 "A BILL FOR AN ACT RELATING TO CASE MANAGEMENT."

Introduced by: Representatives Mizuno, Awana, Belatti, Brower, Ching, Keith-Agaran, Magaoay, Pine, Sagum, Tsuji and Aquino.

2156 "A BILL FOR AN ACT RELATING TO PREPAID CALLING SERVICE."

Introduced by: Representatives Mizuno, Awana, Brower, Ching, Keith-Agaran, Magaoay, Manahan, Pine, Tsuji, Aquino, Belatti and Sagum.

2157 "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES."

Introduced by: Representatives Mizuno, Aquino, Brower, Cabanilla, Ching, Keith-Agaran, Magaoay, Manahan, Sagum, Yamane, Evans, Pine and Tsuji.

2158 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representatives Mizuno, Awana, Cabanilla, Ching, Keith-Agaran, Magaoay, Pine, Sagum and Tsuji.

2159 "A BILL FOR AN ACT RELATING TO PERSONAL HOME CARE ASSISTANTS."

Introduced by: Representatives Mizuno, Aquino, Brower, Ching, Magaoay, Pine, Tsuji, Awana, Keith-Agaran, Sagum and Tokioka.

2160 "A BILL FOR AN ACT RELATING TO NURSE AIDES."

Introduced by: Representatives Mizuno, Aquino, Awana, Belatti, Brower, Cabanilla, Ching, Evans, Keith-Agaran, Magaoay, Pine, Tsuji, Yamane and Sagum.

2161 "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS."

Introduced by: Representatives Mizuno, Aquino, Brower, Magaoay, Sagum and Tsuji.

2162 "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

Introduced by: Representative M. Oshiro.

2163 "A BILL FOR AN ACT RELATING TO SALARY AND PENSION PAYMENTS."

Introduced by: Representative M. Oshiro.

2164 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representatives Ito, Chang, Chong, Magaoay, Sagum, Yamane and Yamashita.

2165 "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representatives Ito, Chang, Magaoay, Yamane, Sagum and Yamashita.

2166 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representatives Ito, Yamashita and Yamane.

2167 "A BILL FOR AN ACT RELATING TO ARCHAEOLOGISTS."

Introduced by: Representatives Ito, Yamane and Yamashita.

2168 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Representatives Ito, Chang, Magaoay, Sagum, Yamane and Yamashita.

2169 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Rhoads, Aquino, Awana, Belatti, Berg, Bertram, Brower, Chong, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Sagum, Say, Souki, Takai, Takumi, Tsuji, Yamane, Yamashita and Cabanilla.

2170 "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."

Introduced by: Representative Souki.

2171 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."

Introduced by: Representative Souki.

2172 "A BILL FOR AN ACT RELATING TO TAX."

Introduced by: Representatives Souki, Awana, Bertram, Herkes, Keith-Agaran, McKelvey, Sagum, Say, Chang, Chong, Ito, M. Lee, Magaoay, Mizuno, Tsuji and Yamashita.

2173 "A BILL FOR AN ACT RELATING TO GIFTS DISCLOSURE."

Introduced by: Representative Say, by request.

2174 "A BILL FOR AN ACT RELATING TO FINANCIAL INTERESTS DISCLOSURE STATEMENTS."

Introduced by: Representative Say, by request.

2175 "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL."

Introduced by: Representatives Chong and Wooley.

2176 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS."

Introduced by: Representatives Thielen, Ching, Finnegan, Marumoto, Pine and Ward.

2177 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO REPEAL ARTICLE X, SECTIONS 2 AND 3, AND TO AMEND ARTICLE XVI, SECTION 4, OF THE HAWAI`I STATE CONSTITUTION."

Introduced by: Representatives Finnegan, Ching, Marumoto, Pine, Thielen and Ward.

2178 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Finnegan, Ching, Marumoto, Pine, Thielen and Ward.

2179 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Thielen, Finnegan, Marumoto, Pine and Ward.

2180 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Pine, Ching, Finnegan, Marumoto, Thielen and Ward.

2181 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW."

Introduced by: Representatives Ward, Ching, Finnegan, Marumoto, Pine and Thielen.

2182 "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF PERMITTING."

Introduced by: Representatives Ward, Ching, Marumoto, Pine, Thielen and Finnegan.

2183 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Thielen, Ching, Finnegan, Marumoto, Pine and Ward.

2184 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

2185 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Marumoto, Ching, Finnegan, Pine, Thielen and Ward.

2186 "A BILL FOR AN ACT RELATING TO IMPROPER PAYMENTS ELIMINATION AND RECOVERY."

Introduced by: Representatives Ward, Ching, Marumoto and Pine.

2187 "A BILL FOR AN ACT RELATING TO HOLIDAYS."

Introduced by: Representatives Finnegan, Ching, Marumoto, Pine, Thielen and Ward.

2188 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Ward, Ching, Finnegan, Marumoto, Pine and Thielen.

2189 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Ward, Marumoto, Pine and Thielen.

2190 "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD."

Introduced by: Representative Takumi.

2191 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Takumi.

2192 "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW."

Introduced by: Representatives Evans, Aquino, Awana, Bertram, Brower, Hanohano, McKelvey, Mizuno, Yamane, Berg, Carroll, Chong, Karamatsu, Nakashima, Nishimoto, B. Oshiro and Souki.

2193 "A BILL FOR AN ACT RELATING TO AQUACULTURE."

Introduced by: Representative Evans.

2194 "A BILL FOR AN ACT RELATING TO TELEMEDICINE."

Introduced by: Representative Evans.

2195 "A BILL FOR AN ACT RELATING TO TELEHEALTH."

Introduced by: Representative Evans.

2196 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representative Evans.

2197 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Belatti, Brower, Coffman, Evans, Keith-Agaran, C. Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, Rhoads, Saiki, Shimabukuro, Takai, Aquino, M. Lee, Wakai and Yamashita.

2198 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Nishimoto.

2199 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representative Nishimoto.

2200 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Representative Say, by request.

2201 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representative Say, by request.

2202 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representative Takumi.

2203 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Representative Takumi.

2204 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative Takumi.

2205 "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR NURSES."

Introduced by: Representatives Yamane, Mizuno, Nishimoto, Belatti and Carroll.

2206 "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS."

Introduced by: Representatives Yamane, Belatti, Carroll, Finnegan, Mizuno, Nishimoto and Shimabukuro.

2207 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Yamashita and Say.

2208 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Herkes.

2209 "A BILL FOR AN ACT RELATING TO ENERGY INNOVATION AWARDS."

Introduced by: Representatives McKelvey, Awana, Cabanilla, Ching, Evans, Pine, Thielen, Ward, Aquino, Berg, Marumoto and Sagum.

2210 "A BILL FOR AN ACT RELATING TO PERMITS."

Introduced by: Representatives McKelvey, Awana, Ching, Evans, Pine, Sagum, Ward and Aquino.

2211 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW."

Introduced by: Representatives McKelvey, Aquino, Awana, Cabanilla, Ching, Evans, Pine, Sagum, Ward, Berg, Finnegan and Marumoto.

2212 "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF PERMITTING."

Introduced by: Representatives McKelvey, Awana, Pine, Ward, Aquino, Cabanilla, Marumoto and Sagum.

2213 "A BILL FOR AN ACT RELATING TO SURETY BONDING."

Introduced by: Representatives McKelvey, Awana, Ching, Evans, Pine, Ward, Aquino, Cabanilla, Finnegan, Marumoto and Sagum.

2214 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT ORGANIZATIONS THAT PROVIDE CAPITAL IMPROVEMENT FUNDING TO PUBLIC ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES."

Introduced by: Representatives McKelvey, Awana, Evans, Mizuno, Morita, Tsuji, Berg, M. Lee and Sagum.

2215 "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS."

Introduced by: Representatives McKelvey, Herkes, Awana, Carroll, Evans and Nakashima.

2216 "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS."

Introduced by: Representatives McKelvey, Bertram, Carroll, Souki and Yamashita.

2217 "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING."

Introduced by: Representatives McKelvey, Bertram, Hanohano, Awana, Belatti, Carroll and Wakai.

2218 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representatives McKelvey, Bertram, Berg and Carroll.

2219 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representatives Saiki, Bertram, Brower, Hanohano, C. Lee, Luke, Morita, Nishimoto, Takai, Wakai, Coffman, Nakashima and Wooley.

2220 "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES."

Introduced by: Representative Mizuno.

2221 "A BILL FOR AN ACT RELATING TO LANDFILLS."

Introduced by: Representative Mizuno.

2222 "A BILL FOR AN ACT RELATING TO THE BEVERAGE CONTAINER SURCHARGE."

Introduced by: Representatives Mizuno, Evans and Rhoads.

2223 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Mizuno and Ward.

2224 "A BILL FOR AN ACT RELATING TO CARRYING CAPACITY."

Introduced by: Representatives C. Lee, Brower, Wakai, Belatti, Nakashima and Tsuji.

2225 "A BILL FOR AN ACT RELATING TO MOBILE COMMUNICATIONS."

Introduced by: Representatives C. Lee, Belatti, Brower, Nakashima, Takumi, Tsuji and Wakai.

2226 "A BILL FOR AN ACT RELATING TO DRIVERS LICENSES."

Introduced by: Representatives C. Lee, Brower, Wakai, Belatti, Nakashima, Takumi and Tsuji.

2227 "A BILL FOR AN ACT RELATING TO LIABILITY OF GENETICALLY MODIFIED PLANTS."

Introduced by: Representatives C. Lee, Brower, Nakashima and Wakai.

2228 "A BILL FOR AN ACT RELATING TO OPEN MEETINGS."

Introduced by: Representatives Belatti, C. Lee, Marumoto, Morita and Ward.

2229 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."

Introduced by: Representatives Belatti, C. Lee, Marumoto, Morita, Rhoads and Ward.

2230 "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION."

Introduced by: Representatives Belatti, C. Lee, Morita, Rhoads and Ward.

2231 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."

Introduced by: Representatives Belatti, C. Lee, Morita, Marumoto, Rhoads and Ward.

2232 "A BILL FOR AN ACT RELATING TO THE RECORDING OF BOARD MEETINGS."

Introduced by: Representatives Belatti, C. Lee, Marumoto, Morita, Rhoads and Ward.

2233 "A BILL FOR AN ACT RELATING TO THE OPEN MEETINGS LAW."

Introduced by: Representatives Belatti, Marumoto, C. Lee, Morita, Rhoads and Ward.

2234 "A BILL FOR AN ACT RELATING TO THE PUBLIC AGENCY MEETINGS AND RECORDS."

Introduced by: Representatives Belatti, C. Lee, Marumoto, Morita and Rhoads.

2235 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN MONK SEAL."

Introduced by: Representatives Morita, Belatti, Ito, Takai, Thielen and Chong.

2236 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representatives Morita, Belatti, Bertram, Chang, Ching, Coffman, Evans, Har, Marumoto, McKelvey, Mizuno, B. Oshiro, Pine, Saiki, Shimabukuro, Thielen, Awana, Cabanilla, Carroll, Hanohano, Herkes, Ito, C. Lee, Manahan, Nishimoto, Rhoads, Sagum and Tsuji.

2237 "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS."

Introduced by: Representatives Morita, Belatti, Cabanilla, Ching, Coffman, Herkes, C. Lee, Luke, Sagum, Thielen, Chong and Ito.

2238 "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS."

Introduced by: Representatives Morita, Belatti, Cabanilla, Coffman, C. Lee, Luke, Sagum, Thielen, Chong, Herkes and Ito.

2239 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Representatives Morita, Belatti, Cabanilla, Chang, Ching, Coffman, Har, C. Lee, Luke, McKelvey, Thielen, Chong, Herkes, Ito and Sagum.

2240 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representatives Carroll, Belatti, Bertram, Hanohano, C. Lee, Luke, Sagum and Saiki.

2241 "A BILL FOR AN ACT RELATING TO PUBLIC TRUST LANDS."

Introduced by: Representatives Carroll, Berg, Bertram, Hanohano, Belatti, Brower, Har, C. Lee, Luke, Morita, B. Oshiro, Rhoads, Sagum and Saiki.

2242 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representatives Carroll, Belatti, Bertram, Hanohano, C. Lee, Luke, Sagum and Saiki.

2243 "A BILL FOR AN ACT RELATING TO OPIHI."

Introduced by: Representatives Awana, Bertram, Belatti, Luke, Sagum and Saiki.

2244 "A BILL FOR AN ACT RELATING TO SURFACE WATER."

Introduced by: Representatives Berg, Carroll, Hanohano, C. Lee, Sagum and Saiki.

2245 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representatives Carroll, Hanohano, C. Lee, Luke, Belatti and Saiki.

2246 "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS."

Introduced by: Representatives Berg, Carroll, Hanohano, C. Lee and Saiki.

2247 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Karamatsu.

2248 "A BILL FOR AN ACT RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT."

Introduced by: Representative Karamatsu.

2249 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Karamatsu.

2250 "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT."

Introduced by: Representative Karamatsu.

2251 "A BILL FOR AN ACT RELATING TO GAMING."

Introduced by: Representative Karamatsu.

2252 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Representative Karamatsu.

2253 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Representative Karamatsu.

2254 "A BILL FOR AN ACT RELATING TO COMPUTER SECURITY."

Introduced by: Representative Karamatsu, by request, and Evans.

2255 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS."

Introduced by: Representatives Karamatsu, by request, and Evans.

ANNOUNCEMENTS

Representative Carroll: "Thank you, Mr. Speaker. Members, there is a Hawaiian Caucus *kukakuka* session meeting today at 3 p.m., in Room 423, and the topic will be the Taro Task Force report. I hope you can come. Thank you."

Representative Ward: "Thank you, Mr. Speaker. Noteworthy of an announcement is the momentous decision taken by our Supreme Court. I know you thought I was going to talk about Massachusetts, but I am not. What they have decided is going to affect us all in every state and every election heretofore, and that is that money is speech and corporations are individuals, therefore corporate spending or corporate contributions to campaigns, which for over a hundred years have been void, are now back in play. So, Mr. Speaker, today is a momentous day with that decision. Thank you."

ADJOURNMENT

At 12:15 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, January 22, 2010. (Representatives Har and Thielen were excused.)

THIRD DAY

Friday, January 22, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 150 and 151) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 150, dated January 20, 2010, transmitting the Department of the Attorney General Goals and Objectives pursuant to Act 100, Session Laws of Hawaii 1999, as amended by Act 154, Session Laws of Hawaii 2005.

Gov. Msg. No. 151, dated January 22, 2010, transmitting the Lead by Example FY 2008-2009 State of Hawaii Agencies' Energy Initiatives pursuant to ACT 96, Session Laws of Hawaii 2006 Part [*sic*].

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 3 and 4) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 3, transmitting H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2010," which was adopted by the Senate on January 21, 2010.

Sen. Com. No. 4, transmitting H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," which was adopted by the Senate on January 21, 2010.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 49) was received by the Clerk and was placed on file:

Dept. Com. No. 49, dated January 20, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on the Feasibility of Establishing a Farm to School Program in Hawai'i's Public Schools (Senate Concurrent Resolution 121 SD1, HD1, 2009) as requested by the Legislature.

INTRODUCTIONS

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

Representative Rhoads introduced the following student shadows participating in the Foreign Language Exchange Program and the Youth Exchange and Study Program:

Mr. Eles Alizhan Uulu of Kyrgyzstan attending Waimea High School shadowing Representative Sagum;

Ms. Liliya Artemyeva of Russia attending Konawaena High School shadowing Representative Herkes;

Ms. Anna Belobrova of Russia attending Konawaena High School shadowing Representative Nakashima;

Mr. Gleb Bogodukhov of Russia attending Kapolei High School shadowing Representative Har;

Ms. Kseniya Chemezova of Russia attending Maui High School shadowing Representative Keith-Agaran;

Ms. Aleksandra Denisova of Russia attending King Kekaulike High School shadowing Representative Rhoads;

Ms. Anel Mustafina of Kazakhstan attending King Kekaulike High School shadowing Representative Berg;

Mr. Konstantin Nogay of Kazakhstan attending Waiakea High School shadowing Representative Tsuji;

Ms. Kristina Stepnova of Azerbaijan attending La Pietra School for Girls shadowing Representative Marumoto;

Mr. Iulian Tiganenco of Moldova attending Parker School shadowing Representative Evans;

Ms. Oksana Trompak of Ukraine attending Konawaena High School shadowing Representative Aquino;

Ms. Kseniya Tymofeyenko of Ukraine attending Keaau High School shadowing Representative Magaoay;

Ms. Anna Zvada of Ukraine attending Kauai High School shadowing Representative Tokioka;

Mr. Ammar Al Naimat of Jordan attending Hawaii Preparatory Academy shadowing Representative McKelvey;

Ms. Fatou Cisse of Senegal attending St. Andrew's Priory School shadowing Representative Awana;

Ms. Sahar Farraj of Israel attending Waimea High School shadowing Representative Ward; and

Mr. Adama Sylla of Mali attending Aiea High School shadowing Representative Ching.

Representative Ito introduced community members of Hawaiian Homesteads statewide, who were participating in the Department of Hawaiian Home Lands' workshop, Building Unity in Community.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.	Referred to:
2120	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2121	Committee on Transportation, then to the Committee on Judiciary
2122	Committee on Education, then to the Committee on Finance
2123	Committee on Legislative Management, then to the Committee on Finance

2124 Committee on Energy & Environmental Protection, then to the Committee on Finance

2125 Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2126 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2127 Committee on Education, then to the Committee on Finance

2128 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2129 Committee on Judiciary

2130 Committee on Energy & Environmental Protection, then to the Committee on Finance

2131 Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2132 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2133 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2134 Committee on Judiciary

2135 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Transportation, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2136 Committee on Consumer Protection & Commerce

2137 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2138 Committee on Health, then to the Committee on Education, then to the Committee on Finance

2139 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Education, then to the Committee on Finance

2140 Committee on Education, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2141 Committee on Education, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2142 Committee on Human Services, then to the Committee on Public Safety, then to the Committee on Finance

2143 Committee on Education, then to the Committee on Finance

2144 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance

2145 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2146 Committee on Consumer Protection & Commerce

2147 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Water, Land, & Ocean Resources

2148 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary

2149 Committee on Human Services, then to the Committee on Finance

2150 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2151 Committee on Health, then to the Committee on Finance

2152 Committee on Health, then to the Committee on Finance

2153 Committee on Health, then to the Committee on Finance

2154 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2155 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2156 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2157 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2158 Committee on Human Services, then to the Committee on Finance

2159 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2160 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2161 Committee on Labor & Public Employment, then to the Committee on Finance

2162 Committee on Finance

2163 Committee on Labor & Public Employment, then to the Committee on Finance

2164 Committee on Labor & Public Employment, then to the Committee on Finance

2165 Committee on Labor & Public Employment, then to the Committee on Finance

2166 Committee on Housing, then to the Committee on Judiciary

2167 Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2168 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2169 Committee on Labor & Public Employment, then to the Committee on Finance

2170 Committee on Health, then to the Committee on Finance

2171 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2172 Committee on Finance

2173 Committee on Judiciary

2174 Committee on Judiciary

2175 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2176 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2177 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2178 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2179 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2180 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance

2181 Committee on Labor & Public Employment, then to the Committee on Finance

2182 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2183 Committee on Labor & Public Employment, then to the Committee on Finance

2184 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2185 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2186 Committee on Finance

2187 Committee on Labor & Public Employment, then to the Committee on Finance

2188 Committee on Judiciary

2189 Committee on Energy & Environmental Protection, then to the Committee on Finance

2190 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2191 Committee on Education, then to the Committee on Finance

2192 Committee on Judiciary

2193 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

2194 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2195 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2196 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2197 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2198 Committee on Transportation, then to the Committee on Judiciary

2199 Committee on Transportation, then to the Committee on Judiciary

2200 Committee on Finance

2201 Committee on Labor & Public Employment, then to the Committee on Finance

2202 Committee on Labor & Public Employment, then to the Committee on Finance

2203 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2204 Committee on Labor & Public Employment, then to the Committee on Finance

2205 Committee on Health, then to the Committee on Consumer Protection & Commerce

2206 Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2207 Committee on Labor & Public Employment, then to the Committee on Finance

2208 Committee on Health, then to the Committee on Consumer Protection & Commerce

2209 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2210 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2211 Committee on Labor & Public Employment, then to the Committee on Finance

2212 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2213 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2214 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2215 Committee on Transportation, then to the Committee on Judiciary

2216 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2217 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2218 Jointly to the Committee on Energy & Environmental Protection and the Committee on Education, then to the Committee on Finance

2219 Committee on Finance

2220 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2221 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2222 Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance

2223 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2224 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2225 Committee on Transportation, then to the Committee on Judiciary

2226 Committee on Health, then to the Committee on Transportation, then to the Committee on Finance

2227 Committee on Agriculture, then to the Committee on Judiciary

2228 Committee on Judiciary

2229 Committee on Judiciary, then to the Committee on Finance

2230 Committee on Judiciary, then to the Committee on Finance

2231 Committee on Finance

2232 Committee on Judiciary

2233 Committee on Judiciary

2234 Committee on Judiciary

2235 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2236 Committee on Energy & Environmental Protection, then to the Committee on Finance

2237 Committee on Energy & Environmental Protection, then to the Committee on Finance

2238 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2239 Committee on Energy & Environmental Protection, then to the Committee on Finance

2240 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2241 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2242 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2243 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2244 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2245 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2246 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2247 Committee on Health, then to the Committee on Finance

2248 Committee on Judiciary, then to the Committee on Finance

2249 Committee on Judiciary

2250 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2251 Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2252 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2253 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2254 Committee on Judiciary

2255 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2256 Committee on Finance

2257 Committee on Labor & Public Employment, then to the Committee on Finance

2258 Committee on Labor & Public Employment, then to the Committee on Human Services, then to the Committee on Finance

2259 Committee on Labor & Public Employment, then to the Committee on Finance

2260 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2261 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2262 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary

2263 Committee on Transportation, then to the Committee on Judiciary

2264 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2265 Committee on Human Services, then to the Committee on Judiciary

2266 Committee on Public Safety, then to the Committee on Finance

2267 Committee on Education, then to the Committee on Finance

2268 Committee on Judiciary

2269 Committee on Labor & Public Employment, then to the Committee on Finance

2270 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2271 Committee on Public Safety, then to the Committee on Judiciary

2272 Committee on Transportation, then to the Committee on Judiciary

2273 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2274 Committee on Public Safety, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2275 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2276 Committee on Public Safety, then to the Committee on Legislative Management, then to the Committee on Finance

2277 Committee on Education, then to the Committee on Finance

2278 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2279 Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization, Business, & Military Affairs

2280 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2281 Committee on Housing, then to the Committee on Finance

2282 Committee on Health, then to the Committee on Education

2283 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2284 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2285 Committee on Finance

2286 Committee on Consumer Protection & Commerce

2287 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2288 Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2289 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

2290 Committee on Agriculture, then to the Committee on Finance

2291 Committee on Agriculture, then to the Committee on Finance

2292 Committee on Agriculture, then to the Committee on Finance

2293 Committee on Agriculture, then to the Committee on Finance

2294 Committee on Agriculture, then to the Committee on Finance

2295 Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2296 Committee on Transportation, then to the Committee on Judiciary

2297 Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

2298 Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2299 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2300 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2301 Committee on Transportation, then to the Committee on Finance

2302 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2303 Committee on Finance

2304 Committee on Consumer Protection & Commerce

2305 Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance

2306 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2307 Committee on Finance

2308 Committee on Finance

2309 Committee on Transportation, then to the Committee on Judiciary

2310 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2311 Committee on Housing, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

2312 Committee on Health, then to the Committee on Consumer Protection & Commerce

2313 Committee on Finance

2314 Committee on Education, then to the Committee on Finance

2315 Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education, then to the Committee on Finance

2316 Committee on Finance

2317 Committee on Tourism, Culture, & International Affairs, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2318 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2319 Committee on Housing, then to the Committee on Finance

2320 Committee on Energy & Environmental Protection, then to the Committee on Finance

2321 Committee on Education, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2322 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2323 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2324 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

2325 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection

2326 Committee on Judiciary, then to the Committee on Finance

2327 Committee on Legislative Management, then to the Committee on Judiciary

2328 Committee on Judiciary

2329 Committee on Legislative Management, then to the Committee on Finance

2330 Committee on Judiciary

2331 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2332 Committee on Tourism, Culture, & International Affairs, then to the Committee on Public Safety, then to the Committee on Judiciary

2333 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2334 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

2335 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2336 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2337 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2338 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance

2339 Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

2340 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2341 Committee on Judiciary

2342 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2343 Committee on Finance

2344 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2345 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance

2346 Committee on Transportation, then to the Committee on Judiciary

2347 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2348 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2349 Committee on Health, then to the Committee on Judiciary

2350 Committee on Health, then to the Committee on Consumer Protection & Commerce

2351 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Transportation

2352 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2353 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2354 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2355 Committee on Human Services, then to the Committee on Finance

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 2256 through 2355) passed First Reading by title and were referred to Printing:

H. B. Nos.

2256 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Rhoads.

2257 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS."

Introduced by: Representative Rhoads.

2258 "A BILL FOR AN ACT RELATING TO FAMILY LEAVE INSURANCE."

Introduced by: Representative Rhoads.

2259 "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN."

Introduced by: Representative Rhoads.

2260 "A BILL FOR AN ACT RELATING TO QUEST HEALTH CARE PAYMENTS."

Introduced by: Representatives Mizuno, Brower and Yamane.

2261 "A BILL FOR AN ACT RELATING TO INFANT AND TODDLER CHILD CARE CENTERS."

Introduced by: Representatives Mizuno, Aquino, Belatti, Hanohano, C. Lee and Pine.

2262 "A BILL FOR AN ACT RELATING TO PRESIDENT BARACK OBAMA DAY."

Introduced by: Representatives Mizuno, Manahan, Evans and Wakai.

2263 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representatives Evans and Awana.

2264 "A BILL FOR AN ACT RELATING TO HISTORIC PLACES."

Introduced by: Representatives Evans, Awana and Carroll.

2265 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."

Introduced by: Representatives Evans, Awana, Mizuno, Say and McKelvey.

2266 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representative Evans.

2267 "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS."

Introduced by: Representatives Evans, Chang, Coffman, Hanohano, Herkes, Nakashima and Tsuji.

2268 "A BILL FOR AN ACT RELATING TO RECIPROCAL BENEFICIARIES."

Introduced by: Representatives Bertram and Mizuno.

2269 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION."

Introduced by: Representative Sagum, by request.

2270 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Sagum, Awana, Chang, Hanohano, Morita and Tokioka.

2271 "A BILL FOR AN ACT RELATING TO EXPLOSIVES."

Introduced by: Representatives Thielen, Awana, M. Lee, Takai and Takumi.

2272 "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING."

Introduced by: Representatives Hanohano, Nakashima, Pine and Takumi.

2273 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Representatives Hanohano, C. Lee, Nakashima, Pine, Takumi and Yamashita.

2274 "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 FUND."

Introduced by: Representatives Hanohano, Pine, Awana, Nakashima and Takumi.

2275 "A BILL FOR AN ACT RELATING TO SENTENCING."

Introduced by: Representatives Hanohano, Takumi, Aquino, Awana, Keith-Agaran, M. Lee, Nakashima, Souki and Yamashita.

2276 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Hanohano, Aquino, Awana, Berg, Carroll, Keith-Agaran, M. Lee, Nakashima, Pine, Souki, Takumi and Yamashita.

2277 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL."

Introduced by: Representative Marumoto.

2278 "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION."

Introduced by: Representative Marumoto, by request.

2279 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Representatives Cabanilla, Awana, Chang, McKelvey, Mizuno, Morita and Sagum.

2280 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representatives Cabanilla, Mizuno, Ching, Awana and Chang.

2281 "A BILL FOR AN ACT RELATING TO ELDERLY HOUSING."

Introduced by: Representatives Cabanilla, Awana and Chang.

2282 "A BILL FOR AN ACT RELATING TO ARTIFICIAL TRANS FAT."

Introduced by: Representatives Shimabukuro, Evans, Takai and Takumi.

2283 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives B. Oshiro, Herkes, Magaoay, McKelvey, Yamashita, Chong and Say.

2284 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Representatives B. Oshiro, Karamatsu, McKelvey, Thielen and Ward.

2285 "A BILL FOR AN ACT RELATING TO ESTATE AND TRANSFER TAX."

Introduced by: Representatives B. Oshiro, M. Oshiro, Chong and Say.

2286 "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES."

Introduced by: Representative Herkes.

2287 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."

Introduced by: Representative Herkes.

2288 "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES."

Introduced by: Representative Herkes.

2289 "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES."

Introduced by: Representative Herkes.

2290 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Chang, Chong, Evans, Manahan, McKelvey, Wooley, Yamashita, Ito and Wakai.

2291 "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS."

Introduced by: Representatives Tsuji, Chang, Ito, Takai, Chong, Choy, Coffman, Evans, Herkes, Magaoay, Manahan, McKelvey, Nakashima, B. Oshiro, Say, Wakai, Wooley and Yamashita.

2292 "A BILL FOR AN ACT RELATING TO FARM PRODUCE."

Introduced by: Representatives Tsuji, Takai, Chang, Chong, Coffman, Evans, Herkes, Ito, Magaoay, Manahan, McKelvey, Nakashima, B. Oshiro, Say, Wakai, Wooley and Yamashita.

2293 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE."

Introduced by: Representatives Tsuji, McKelvey, Takai, Chang, Chong, Coffman, Evans, Herkes, Ito, Magaoay, Manahan, Nakashima, B. Oshiro, Say, Wakai, Wooley and Yamashita.

2294 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Chang, Chong, Evans, Ito, Manahan, McKelvey, Wooley and Yamashita.

2295 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY."

Introduced by: Representatives Souki and Awana.

2296 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representative Souki.

2297 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES."

Introduced by: Representative Souki.

2298 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Representatives Souki and Awana.

2299 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representatives Awana, McKelvey, Pine, Carroll, Chong, Evans, Hanohano, Ito, Magaoay, Nishimoto, Souki and Yamashita.

2300 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF DOMESTIC VIOLENCE SHELTERS."

Introduced by: Representatives Awana, Evans, M. Lee, McKelvey, Pine, Thielen, Tsuji, Cabanilla, Chong, Ito, Magaoay, Marumoto, Nishimoto, Souki, Ward and Yamashita.

2301 "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS."

Introduced by: Representative M. Oshiro.

2302 "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY."

Introduced by: Representative M. Oshiro.

2303 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Nishimoto.

2304 "A BILL FOR AN ACT RELATING TO LICENSURE."

Introduced by: Representative Takumi.

2305 "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS."

Introduced by: Representative Takumi.

2306 "A BILL FOR AN ACT RELATING TO SALARIES."

Introduced by: Representative Takumi.

2307 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Pine.

2308 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A TEN CLASSROOM BUILDING FOR JAMES CAMPBELL HIGH SCHOOL."

Introduced by: Representatives Pine and Cabanilla.

2309 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS."

Introduced by: Representatives Pine, Aquino, Brower, Ching, C. Lee, Manahan, Marumoto, McKelvey, Mizuno, Thielen, Berg, Bertram, Nishimoto, Souki and Wakai.

2310 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Pine, Aquino, Berg, Brower, Ching, Manahan, Marumoto, McKelvey, Mizuno, Thielen, Bertram, C. Lee, Nishimoto, Souki, Wakai and Yamashita.

2311 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Pine, Ching, Manahan, Marumoto, Aquino, Berg, Bertram, Herkes, C. Lee, McKelvey, Mizuno, Nishimoto, Souki, Thielen, Wakai and Yamashita.

2312 "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE."

Introduced by: Representatives Chong, Herkes, Nishimoto and Wakai.

2313 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, Aquino, Awana, Cabanilla, Chang, Coffman, Evans, Hanohano, Har, Ito, Karamatsu, Keith-Agaran, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, B. Oshiro, M. Oshiro, Sagum, Say, Souki, Takumi, Tsuji, Yamane, Yamashita, Belatti, Bertram, Brower, Rhoads, Takai and Wooley.

2314 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Chong, M. Oshiro and Say.

2315 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII SCHOOL OF TRAVEL INDUSTRY MANAGEMENT."

Introduced by: Representatives Manahan, Marumoto, Chang, Choy, Evans, Hanohano, Herkes, McKelvey, Nakashima, B. Oshiro, Say, Tokioka, Tsuji, Wakai and Yamane.

2316 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-NINTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Manahan.

2317 "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS."

Introduced by: Representatives Manahan, McKelvey, Tokioka, Tsuji, Yamane, Aquino, Choy, Har, Sagum and Wooley.

2318 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representatives Cabanilla, Chang, Ito and Mizuno.

2319 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representatives Cabanilla, Ito, Awana, Chang and C. Lee.

2320 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES."

Introduced by: Representatives C. Lee, Hanohano, Morita, Sagum, Takumi and Wakai.

2321 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representatives C. Lee, Hanohano, Morita, Wakai, Sagum, Takumi and Tsuji.

2322 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Representatives Morita, Belatti, Coffman, Hanohano, Ito, C. Lee, Luke, B. Oshiro, Thielen, Cabanilla, Carroll, Chong, Evans, Keith-Agaran, M. Lee, McKelvey, Rhoads, Sagum, Say, Souki, Wakai and Yamashita.

2323 "A BILL FOR AN ACT RELATING TO NET ENERGY METERING."

Introduced by: Representatives Morita, Cabanilla, Ching, Coffman, Ito, C. Lee, Thielen, Chang and Sagum.

2324 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representatives Morita, Chang, Coffman, Evans, C. Lee, Manahan, Marumoto, Tsuji, Cabanilla, Ching, Choy, Ito, Sagum and Thielen.

2325 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representatives Morita, Cabanilla, Chang, Ching, Ito, C. Lee, Thielen and Coffman.

2326 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."

Introduced by: Representatives Belatti, C. Lee, Magaoay, Manahan, McKelvey, B. Oshiro, Shimabukuro, Takumi and Yamane.

2327 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Representatives Belatti, Hanohano, C. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Morita, B. Oshiro, Shimabukuro, Takumi, Thielen and Choy.

2328 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."

Introduced by: Representatives Belatti, Hanohano, C. Lee, McKelvey, Mizuno, Morita, Shimabukuro, Awana, Chang, Luke, Magaoay, Manahan, Nishimoto, B. Oshiro and Takumi.

2329 "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE BROADCAST PROGRAM."

Introduced by: Representatives Belatti, Chang, Hanohano, C. Lee, Luke, Magaoay, Manahan, McKelvey, Morita, Shimabukuro, Thielen, Ward, Awana, Takumi and Yamane.

2330 "A BILL FOR AN ACT RELATING TO EMERGENCY MEETINGS."

Introduced by: Representatives Belatti, Marumoto, Choy, Hanohano, Magaoay, McKelvey, Morita, Nishimoto, B. Oshiro, Shimabukuro, Takumi, Thielen and Yamane.

2331 "A BILL FOR AN ACT RELATING TO TAXES AND FEES."

Introduced by: Representative Takai.

2332 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Takai, Awana, Belatti, Berg, Bertram, Brower, Choy, Finnegan, Har, Herkes, Ito, M. Lee, Magaoay, Marumoto, McKelvey, Mizuno, Morita, B. Oshiro, Pine, Saiki, Say, Takumi, Thielen, Wakai, Ward and Yamane.

2333 "A BILL FOR AN ACT RELATING TO HAWAII'S ECONOMY."

Introduced by: Representative Say, by request.

2334 "A BILL FOR AN ACT RELATING TO LIQUOR."

Introduced by: Representative Say, by request.

2335 "A BILL FOR AN ACT RELATING TO THE FAIR ACCESS TO MEDICAL CARE ACT."

Introduced by: Representative Say, by request.

2336 "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS."

Introduced by: Representative Say, by request.

2337 "A BILL FOR AN ACT RELATING TO KAKAAKO."

Introduced by: Representative Say, by request.

2338 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Say, by request.

2339 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2340 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Say, by request.

2341 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."

Introduced by: Representative Say, by request.

2342 "A BILL FOR AN ACT RELATING TO A STATE LOTTERY."

Introduced by: Representative Say, by request.

2343 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representative Say, by request.

2344 "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE ALLOWANCE."

Introduced by: Representatives McKelvey, Cabanilla, Evans, Choy and Coffman.

2345 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Representatives McKelvey, Awana, Evans, Herkes, Mizuno, Berg, Carroll, Choy, Morita and Sagum.

2346 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives McKelvey, Berg, Bertram, Carroll, Morita, Aquino and Coffman.

2347 "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING."

Introduced by: Representatives McKelvey, Chang and Sagum.

2348 "A BILL FOR AN ACT RELATING TO A VETERANS' MEMORIAL."

Introduced by: Representatives McKelvey, Awana, Belatti, Cabanilla, Carroll, Evans and Choy.

2349 "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL."

Introduced by: Representatives Yamane, Brower, Carroll, Chang, Evans, Herkes, Ito, M. Lee, Magaoay, Manahan, Mizuno, Nishimoto, Shimabukuro, Tsuji, Yamashita, and B. Oshiro.

2350 "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE."

Introduced by: Representatives Yamane, Evans, B. Oshiro, Chang, Chong, Magaoay, Say, Souki and Yamashita.

2351 "A BILL FOR AN ACT RELATING TO VETERANS."

Introduced by: Representatives Yamane, Chang, Evans, Har, Ito, M. Lee, McKelvey, Tsuji, Yamashita and Souki.

2352 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives M. Lee and Mizuno.

2353 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Representatives Mizuno, Brower, Manahan and Rhoads.

2354 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."

Introduced by: Representatives Mizuno and Herkes.

2355 "A BILL FOR AN ACT RELATING TO CHILD CARE."

Introduced by: Representatives Mizuno, Evans, Nakashima, Yamane and Bertram.

INTRODUCTION OF RESOLUTIONS

The following concurrent resolution (H.C.R. No. 3) was announced by the Clerk and was disposed of as follows:

H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS, WITH HAWAII CONNECTIONS, KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was offered by Representative Say.

Representative B. Oshiro moved that H.C.R. No. 3 be adopted, seconded by Representative Finnegan.

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

"It has been almost seven years since the War on Terrorism began, and while there continues to be much debate about this war, there's no debate about the tremendous sacrifices made by our service members and their families. Between March 29, 2003 and January 15th of this year, we in Hawaii have lost 268 service members, who have all sacrificed their lives while in the line of duty. We lost a total of 28 service members this past year and to pay special tribute to these heroes and to their families, we passed House Bill 8 in 2005, which became Act 21. House Bill 8 created the Hawaii Medal of Honor.

"This special medal is awarded on behalf of the people of the State of Hawaii to an individual who has been killed in action while serving our country as part of Operation Iraqi Freedom or Operation Enduring Freedom. Recipients of the Hawaii Medal of Honor include members of the United States Armed Forces, the United States Military Reserves, and the Hawaii National Guard, who are residents of the State of Hawaii, attended an education institution in Hawaii, who were stationed in Hawaii by order of the United States Department of Defense.

"By this Concurrent Resolution, Mr. Speaker, this year's Hawaii Medal of Honor will be awarded to family representatives of these fine men and women at a ceremony held during a Joint Session of the Legislature on Tuesday, March 23rd, 2010 at 2 p.m., in this Chamber. Families will be invited from towns like Yonkers, New York and Homestead, Florida, to as far as Koror, Palau to attend this ceremony.

"In 2004 to 2005, Mr. Speaker, the 29th Brigade Combat Team from our very own Hawaii Army National Guard, along with the 100th Battalion from the Army Reserves deployed. During that period we lost 17 members of our Brigade. In this last deployment in 2008 which ended around August of 2009, we lost another three members for a total of 20.

"I'd like to mention some information for our Members about the three people that we lost during this past deployment. Sergeant Julian Manglona was recognized in last year's ceremony, Mr. Speaker. Corporal Casey Hills will be recognized in this year's ceremony, and Specialist Cwislyn Walter will also be recognized in this year's ceremony.

"Finally, Mr. Speaker, although I wasn't here last year, I do believe that this medal ceremony is very important, not only to us, but to the entire State of Hawaii. And I'd like to at this time thank everybody for continuing this tradition. I would also like to recognize certain people, in particular. First, Lisa Vargas from my office who has held this medal ceremony together since its inception. I'd also like to thank Speaker Say and Chairman Ito. It is because of them that in 2005 that we actually are here today, recognizing these individuals. And finally, Mr. Speaker, Chairman McKelvey for his work as Chairman of the Committee, as well as the Clerk's Office and Sergeant-at-Arms for doing such a great job this past year. Thank you, Mr. Speaker."

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

"May I also stand in strong support of this with a very brief comment? First, to thank the previous speaker for all his hard work as the progenitor of this, and the mover and the shaker of what otherwise is probably one of the proudest moments that Hawaii has for its veterans and for the families.

"I would only end with one suggestion to make it even better, Mr. Speaker, and that is we cry with the family members as they come up to receive their rewards and their awards. But as we go to the functions thereafter I would suggest we have an escort or an assigned or an adopted family type thing so when they're sitting there eating, they're not all alone. I think that will help personalize what otherwise is probably one of the most excellent things that any state has ever done for any veteran. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I'd just like to have the words of the two previous speakers entered in the Journal as if they were my own. Thank you very much," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I also rise in strong support of the Resolution and I would like the words of my colleague from Pearl City to be entered into the record as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Vice Speaker Magaoay then stated:

"Also a comment from the Chair to Representative Mark Takai. Thank you very much for serving our country last year. You were missed, but now you're back and hopefully you will be here for a whole duration. But again, thank you for serving our country. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 3 was adopted.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, since we had such an international flavor in our Gallery today with our student shadows, I wanted to note that today is the Independence Day for a very, very important country, near and

dear to those in Eastern Europe and Russia, and that is Ukraine. It is Ukraine's Independence Day today. Thank you."

ADJOURNMENT

At 12:25 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 9:00 o'clock a.m. Monday, January 25, 2010.

OTHER COMMUNICATIONS

Communication dated January 22, 2010, from Representative M. Lee and Senator Ihara, Co-Chairs for the Joint Legislative Committee on Aging in Place (JLCAIP), created pursuant to Act 285, Session Laws of Hawaii (SLH) 2006, as the Joint Legislative Committee on Family Caregiving (JLCFC), and renamed pursuant to Act 220, SLH 2008, submitting a report, Joint Special Com. Rep. No. 1.

FOURTH DAY

Monday, January 25, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:08 o'clock a.m., with the Speaker presiding.

Representative Har introduced The Lord's Church Choir, of Seoul, Korea, who delivered the invocation in song, after which the Roll was called showing all Members present with the exception of Representatives Carroll and Thielen, who were excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 5) was announced by the Clerk and received for possible future consideration:

Sen. Com. No. 5, transmitting H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," which passed Third Reading in the Senate on January 22, 2010.

RECESS

At 9:18 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 2, met in Joint Session with the Senate, to receive the Governor's State of the State Address.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Fifth Legislature was called to order at 10:02 o'clock a.m. by the Honorable Calvin K.Y. Say, Speaker of the House of Representatives.

The Speaker then welcomed and recognized the following honored guests:

Lt. Governor James R. Aiona, Jr.;

Chief Justice Ronald T.Y. Moon;

Ms. Haunani Apoliona, Chair, Office of Hawaiian Affairs;

Mrs. Vivian Aiona;

Former Governor George R. Ariyoshi;

Admiral Robert F. Willard, US Pacific Command;

Rear Admiral Manson K. Brown, Fourteenth Coast Guard District;

Rear Admiral Scott Van Buskirk, US Pacific Fleet;

Major General Douglas Owens, US Pacific Air Forces;

Brigadier General John Ma, US Army Pacific;

Col. Raymond L'Heureux, US Marine Corps Forces, Pacific;

Associate Justice Simeon Acoba, Jr.;

Associate Justice Paula Nakayama;

Associate Justice James Duffy, Jr.;

Associate Justice Mark B. Recktenwald;

Mayor Mufi Hanneman, City & County of Honolulu and Mrs. Gail Hanneman;

Council Chair Todd Apo, City & County of Honolulu;

Council Chair Danny Mateo, County of Maui;

Council Chair J. Yoshimoto, County of Hawaii;

Council Member Derek Kawakami, County of Kauai;

Mr. Gary K. Heu, Administrative Assistant to the Mayor, County of Kauai;

Mr. Yoshihiko Kamo, Consul General of Japan;

Mr. David Binns, Consul General of Australia;

Mr. Leoncio R. Cardenas, Consul General of the Philippines;

Mr. Bong Joo Kim, Consul General of the Republic of Korea; and

Mr. Philip Wang, Director General, Taipei Economic & Cultural Office.

The Speaker then called upon Representatives Blake Oshiro and Lynn Finnegan, and Senators Gary Hooser and Fred Hemmings to escort the Honorable Linda Lingle to the rostrum.

The Governor was presented with lei by Representative Michael Magaoay on behalf of the House of Representatives, and Senator Russell Kokubun on behalf of the Senate. The Speaker then presented to the Members of the Twenty-Fifth Legislature and the audience, the Honorable Linda Lingle, Governor of the State of Hawaii.

The Governor then addressed the Joint Session as follows:

"Thank you all very much. Senate President Hanabusa, Speaker Say, Lt. Governor and Mrs. Aiona, former Governor Ariyoshi, Members of the Legislature, cabinet members, Chief Justice Moon, Chair Apoliona, Mayor Hannemann, military leaders, members of the Consular Corps, distinguished guests, and to all the people of Hawai'i … good morning and aloha.

"It is my great privilege this morning to deliver the time-honored State of the State Address to the people of Hawai'i as I have done for the past seven years. This address will differ from those I have delivered in the past, because it will be my last. And while that fact might be considered an applause line by some in the Legislature, I will miss you all when my time in office ends later this year.

"I have invited a dozen current and retired Hawai'i National Guard Generals to join me this morning to bring attention to the role they have played during my years as Governor. Every governor's most basic responsibility and highest priority is the physical safety of the citizens they serve. Whether fires, floods, tsunami threats, or earthquakes, in times of emergency they have always been there for us, and never once fallen short of my expectations. Please join me in thanking them and the men and women they lead for helping us to stay safe throughout the years of my Administration. Generals, please rise.

"Before sharing my vision for the coming year, I first want to express my gratitude to the people of Hawai'i for the privilege you have given me to serve two full terms as your Governor. Beyond the honor of public service, you have made me part of your *'ohana*, and for that I will be forever grateful. You have put your trust in me and I have always held that trust in the highest regard as I worked to make decisions large and small.

"My Administration began seven years ago during challenging economic times and enters its final year in an even tougher economic climate. The difference between then and now is that the challenges we face today are so much greater, revenue loss so much larger, and the statewide impact so

far reaching that the decisions we have to make are much tougher. I've already had to make some very difficult decisions – cutting popular programs and services, furloughing State employees, and with great reluctance, laying off hundreds of people.

"These decisions were not easy, nor were they the decisions I wanted to make. They were the decisions that I had to make given the situation before us. Simply put, our State government is spending at a rate that substantially exceeds our revenues and at a level that cannot be sustained. The mid-term economic outlook requires that we further downsize government, prioritize the services we desire and can afford, and together devise innovative ways to meet the needs of Hawai'i's people.

"We must face the situation as it is – not as we wish it to be; and we must make difficult decisions now about the size and nature of government that will keep us on a positive course for the future. More importantly, we must do what it takes to create a future that does not financially burden our children and grandchildren simply because we weren't willing to make those difficult, sometimes gut-wrenching decisions, when destiny called on us to do so. Clinging to the programs, practices and government structure of the past will not work and cannot be sustained. We have to create a government that is more efficient and able to provide essential services in a way that is affordable today and sustainable over time.

"The global recession hit Hawai'i hard and has affected us deeply. Visitor spending plunged, construction stalled, unemployment doubled over 18 months, and businesses and consumers uncertain about the future retrenched. It will take many months before our economy begins to rebound, and likely years before it returns to its pre-recession strength. Because of the tough lessons we have learned about sudden and severe economic downturns, I will be proposing a Constitutional Amendment to rename and revise the State's Rainy Day Fund to create a Fiscal Stabilization Fund.

"This fund will shield us in future years from the need to raise taxes during periods when the economy is contracting and citizens can least afford to pay more. The Fiscal Stabilization Fund will ensure that in years when tax revenues are growing, 5 percent of the general fund's end-of-year balance will be placed in the Stabilization Fund prior to granting the currently mandated refund to taxpayers. This prudent and important revision to the State's Rainy Day Fund will augment the fund's current source of revenue from Tobacco Settlement moneys.

"On a positive note, the prudent fiscal management that we have exercised during both good and bad times has resulted in Hawai'i maintaining a strong, AA bond rating. During my remaining 10 months as Hawai'i's chief executive, my Administration's resolve to move us forward in a fiscally responsible way will remain steadfast. We are at a very unique point in our State's history – it is a time when both our current challenges and our future opportunities have never been greater.

"It is with that thought in mind that I want to use my final State of the State Address to speak with you about reaffirmation and rededication. Reaffirmation of who we are and what we are for, and rededication to the kind of future we want for the next generation – a future we will all share. The budget I presented to you last month, along with our legislative proposals, are aimed at creating new jobs and maintaining current jobs, encouraging investment, and laying the foundation for educational improvement and energy security. Together they comprise a plan for our economic recovery and a roadmap for a brighter, more prosperous future. Government cannot create a strong economy, but it can help provide a positive economic climate that makes it attractive to invest and create jobs in Hawai'i. It can also work hand-in-hand with the business community to build the foundation upon which private enterprise will flourish.

"A good example of government creating a framework for success is the way public and private organizations have been working together to strengthen tourism – our number one industry. According to the latest count, nearly 580,000 additional airline seats will be added this year, creating the potential for another half a million visitors which would require businesses to call more than 5,000 people back to work. We will continue supporting our visitor industry while at the same time searching for other economic development opportunities both at home and abroad.

"Among the world's nations today, nowhere is the pace of economic activity more breathtaking than in China. On my most recent visit, I was personally involved in kick-starting direct flights between Beijing and Honolulu, I had substantive discussions on clean energy partnerships, and signed an agreement to establish the first showroom for Hawai'i products in Shanghai. I will return to China in a few months to further strengthen our relationships and continue efforts to promote business opportunities for local companies. We will join with business and cultural groups to celebrate Hawai'i Week at the American Pavilion this June at the Shanghai World Expo and celebrate the 25th anniversary of our sister-state relationship with Guangdong Province, China's manufacturing center and homeland to most of Hawai'i's residents of Chinese ancestry.

"Being a state located in the middle of the Pacific Ocean, Hawai'i faces greater challenges than most states with similar size populations. Because of our geographic isolation, we must do more than merely wait for opportunities to come to us. Hawaiian monarchs realized the importance of connecting our isolated islands to the rest of the world as far back as the time of Kamehameha II when he and his Queen Kamamalu departed for England to strengthen diplomatic ties. Princes Alexander Liholiho and Lot Kamehameha traveled to the United States and on to Europe in the company of Dr. G.P. Judd to negotiate treaties with Great Britain in the mid-1800s. Queen Emma, Queen Kapi'olani, then-Princess Liliu'okalani, and King Kalākaua also traveled abroad. Previous governors have also traveled widely, and each international trip builds upon the relationships that have been developed and cultivated during prior visits.

"With a sense of our history and a focus on the future, my Administration is forging closer ties with the People's Republic of China, as well as reinforcing and strengthening ties with Japan, Taiwan, the Republic of Korea and the Philippines. In China, as it has been in Japan and Korea, and is in most of Asia, relationships matter – particularly relationships between governments. We will be hosting government officials and others from 28 different countries this fall at the Pacific Asian Energy Expo and Summit, the Asia-Pacific Homeland Security Summit and the International Women's Leadership Conference. And while the Internet makes it easier for today's leaders to learn about the world around them, I would encourage the next Governor to continue the tradition of our Hawaiian monarchs and governors and keep Hawai'i in consistent contact with countries that present economic and cultural opportunities.

"It is vital for Hawai'i to have a cohesive and ongoing international outreach strategy that is advanced by state and county governments, business leaders, public and private universities, and various NGOs, including our ethnic chambers of commerce. It is this kind of comprehensive and integrated approach that enabled our State to be chosen as the site of the prestigious 2011 APEC Leaders Conference. It was the team of federal, State and local government officials, visitor industry and business leaders along with the expertise of the East-West Center and support from almost every business organization in the state that produced the winning bid for APEC.

"We can leverage our State's limited resources by following this same model of collaboration in others areas. One of our most successful collaborations is the Hawai'i Clean Energy Initiative. The concerted actions of many both in and out of government, have turned our over reliance on foreign oil into the impetus for a clean energy future and made us a global leader in our pursuit of energy independence. Clean energy is critical for our overall economic well-being, our environment and our security. And it is becoming an important and growing economic sector that will lead to high-quality, good-paying jobs for our residents.

"This legislative session I am proposing a package of initiatives that builds upon the foundation of the Hawai'i Clean Energy Initiative, including a ban on the construction of new power plants that burn fossil fuels. It is time now to show the public by our actions that we will no longer allow our economic well-being to be dependent on burning oil and coal that must be shipped here over thousands of miles of open ocean. Another proposal will grant a general excise tax exemption to renewable energy projects of at least two megawatts that are placed in service between January 1st of 2011 and January 1st of 2015.

"In the transportation sector we propose a rebate of general excise taxes paid on electric and plug-in hybrid vehicles, as well as the charging stations that will make it practical and convenient to drive electric vehicles in our islands in the coming years. These proposals and others will serve as effective incentives for investment in clean energy, create new jobs and make a clear public statement that clean, renewable energy is a State priority.

"Finally, I am proposing that property owners across the State be empowered to help create a green jobs sector through the establishment of a new program called Hawai'i Clean Energy Investment Bonds. Similar programs, which already exist in 15 states, assist residential and commercial property owners with the upfront costs of installing clean energy systems or energy efficiency upgrades by allowing them to borrow the money from the state and then repay the loans over a period of years via an annual assessment on their real property tax bill. This program spurs both immediate job creation and economic activity, and moves us closer to our goal of 70 percent clean energy by 2030. The HCEI Bonds program to encourage a green jobs sector is just one of the economic recovery proposals my Administration will be implementing in the months ahead.

"Recognizing the economic and social imperative of getting people back to work, I am proposing a package of incentives, including help covering the costs of health insurance, and income tax credits for the creation of new jobs. The income tax credit proposal grants credits equal to the wages withheld by the employer for each new, full-time permanent position filled by a resident who is currently receiving unemployment benefits. Because we need jobs now, the tax credits will begin as soon as the law is passed and remain in effect through December 31, 2012. Businesses will be required to be operational for two years after their final tax credits are received.

"Also, we will actively work to expand our SEE Hawai'i Work program that currently reimburses an employee's wages and benefits for up to one year for companies that hire people off of the welfare rolls. The expanded program will use Federal Stimulus funds to cover for six months parents who are collecting unemployment and whose household income does not exceed a certain level. This program does not require legislation and we will move now to get employers and employees the help they need to get back to work. In addition, we will begin a program next month to allow workers on unemployment to volunteer their time at a business or non-profit organization while still drawing unemployment benefits. This program will give workers an opportunity to demonstrate their skills to prospective employers and also help businesses evaluate an individual before they incur the cost of hiring them permanently.

"Because the construction and visitor industries have been hit especially hard during the downturn, and have the capacity to significantly stimulate the economy, we are proposing a 10 percent construction and renovation credit for hotels and resorts. This credit will be granted for the first $500 million in construction work undertaken in each of the next three years, and has the potential to create more than 23,000 new jobs. The cost of this tax credit will be more than offset by the economic activity generated. We will also continue expediting our airports, harbors and highways modernization programs, as well as other construction projects. And we will again propose legislation that places reasonable time limits on issuing construction permits for high-priority projects such as affordable housing, renewable energy and housing-related infrastructure.

"At the same time we are moving forward with these job creation initiatives, nearly every business in the State is worried about scheduled increases in unemployment insurance taxes if the Legislature does not take quick action this session. My Administration has been working with legislators, as well as business and labor organizations to develop legislation that will moderate the increases while returning solvency to the Unemployment Insurance Trust Fund. Under our proposal, employers will pay only 60 percent of anticipated tax hikes, saving businesses $497 million over the next four years. We believe strongly that anything beyond this 60 percent threshold will cause large job losses. I urge the Legislature to enact this bill prior to mid-March when the Labor Department will need to send out the unemployment insurance bills to businesses across the State.

"While I am spending most of my time this morning talking about important proposals to get our economy growing again, I also want to take a couple of minutes to thank members of my team for their important contributions to Hawai'i during the past seven years. We have been making progress in STEM education, renewable energy, film and television production and international partnerships thanks to the creativity and hard work of Director Ted Liu and the entire DBEDT team, including their recent success in convincing Disney to film the next Pirates of the Caribbean film in Hawai'i.

"I'd like to recognize a few other cabinet members, including one who has been with me from my first day as Governor, as well as during my eight years as Mayor of Maui County, Budget Director Georgina Kawamura. Georgina and her team at B&F have found ways to keep the State's books balanced, accommodate our innovative policy initiatives and infrastructure modernization plans, while maintaining our strong bond rating during the largest global economic crisis of the last 70 years. I am very grateful to have her at my side.

"I also want to thank two of my 'go-to' guys, Comptroller Russ Saito, for the many hats he wears with such ease, including keeping our infrastructure plans on track, honchoing our various homeless initiatives, getting a new energy code adopted, and constructing clean energy retrofits on state buildings. I also want to recognize our Director of Transportation, Brennon Morioka, for overseeing the State's largest-ever, simultaneous modernization of our highways, harbors and airports. And I want to thank Dr. Chiyome Fukino and Lillian Koller for the difficult yet creative adjustments they have made in order to assure the highest quality services for the greatest number of residents in need during a time of severe budget restrictions.

"Finally, I want to thank Lt. Governor Duke Aiona, a trusted friend who has provided me with wise counsel when I was facing some of the most difficult decisions of my governorship. Mahalo, Duke. To the Lt. Governor, all of my cabinet directors, deputies and senior staff, you have truly brought about the New Beginning we envisioned for our State. I ask that all members of the cabinet and deputies, as well as previous directors and deputies who are in the audience today stand so we can give you a well-deserved round of applause.

"I am proud of many of the services we deliver to the public, but one very expensive part of State government that I believe has failed to meet the community's expectations over many years now is our public school system. I came into office seven years ago believing we needed an entirely new governance structure in order to realize meaningful improvements in student achievement, and I enter this final year more convinced than ever that continuing the status quo structure of our public school system will never produce more than mediocre results. Despite consistently spending more than $2 billion a year on education, we have not achieved the kind of meaningful results any of us can be proud of, and we continue lagging far behind other states.

"The recent public concern over furloughs is understandable and I have made a generous and fair offer in an attempt to achieve a permanent solution to this situation. But I ask everyone to be as concerned about the quality of education, as they have become about the mere quantity of education. The time has come to focus not only on the number of days children are in class, but on what they are learning during those days. The time has come for high school diplomas to mean that a student has the skills to be career or college ready rather than being a piece of paper signifying they sat in class a set number of years. And the time has come for us to focus more on long-lasting systemic reform of public education than on temporary furloughs caused by the severest fiscal crisis in Hawai'i's history.

"Regardless of how quickly furloughs end, our school system needs structural reform. The current school system lacks clear lines of authority, responsibility and accountability. Because the Governor, the Legislature, the Board of Education, the Department of Education, and the Superintendent of Education all have roles to play, the public does not know who to hold accountable for consistently mediocre performance. If President Truman had analyzed our public school system, he might have said, "The buck doesn't stop here, or there, or there – it just gets passed

around and eventually lost." I propose we offer our citizens the opportunity to vote on a constitutional amendment that makes the Department of Education a cabinet department with a superintendent hired by the next Governor so all of us will know clearly "where the buck stops." It is time for Hawai'i to make the Governor accountable for public education.

"If you want to see what can happen when the Governor's office gets involved with just a single aspect of education, look closely at the success of our robotics programs, which are among the finest in the country. When our Administration began a concerted focus on promoting science, technology, engineering and math programs through robotics in our schools in January of 2007, there were 95 robotics teams statewide. Today we have 400 robotics teams, primarily because of federal and private funding and enthusiastic and dedicated volunteers, including many teachers and some principals. But more importantly, robotics has proven that our children can excel in the very skills that will be in great demand by our State, national and world economies in the years ahead.

"I would like you to meet three championship teams who will represent Hawai'i on the global stage – our elementary school FIRST LEGO League Champions from Punahou and Hanahau'oli Schools and their coach Robert Piper; our VEX robotics middle school champions from Highlands Intermediate along with their teacher Joan Okai, and our high school VEX Champions from McKinley High School and their veteran robotics teacher Osa Tui. Please stand and be recognized.

"Every public school student in Hawai'i deserves the opportunity to participate in this kind of project-based learning program that can enhance their STEM skills. That is why I have allocated $10 million in discretionary federal stimulus funds to place these types of programs in every public and charter school in the State by the start of the 2011 school year.

"Besides education programs, we are intently focused on making progress during our remaining 315 days in many other areas including job creation, energy independence, and direct flights between Honolulu and Beijing. Regardless of the number of days remaining in my term, time will not alter our intentions or diminish our commitment to an even better future for Hawai'i. It is my intention and that of my cabinet to make each and every day a day devoted to improving the well-being of our citizens.

"Before I conclude my final State of the State Address, I would like to recognize one special citizen who I have held in high esteem for many years. On his way to being named this year's American Volleyball Coaches Association Coach of the Year, UH Women's Volleyball Coach, Dave Shoji, became only the second coach in NCAA history to win 1,000 matches. There are now 330 women's volleyball teams in Division I and the Wahine have been ranked in the top 10 in the final polls all but 5 of his 35 years of coaching.

"Coach, they didn't even let me get to my applause line yet.

"I appreciate Coach Shoji and his wife Mary for attending today so that I could have this chance to recognize him for the great person that he is and thank him for the message he has given to the youth of Hawai'i, especially the girls, that with hard work and determination they can compete with the best in the country. Thank you Coach for the pride you bring to the people of Hawai'i every time you walk onto the court, and for bringing us such joy this year by again taking the Wahine to the Final Four. Please join me in expressing our appreciation to Coach Dave Shoji for his decades of teaching and inspiring the young women of Hawai'i.

"Whether you participate in sports or simply enjoy them as a spectator, it is easy to appreciate the many lessons that they teach. One of the best known lessons from the world of sports is that in order to assure a successful outcome, you have to play hard for the entire game – all four quarters in football, the last out in baseball, the final hole in golf or match point in volleyball. And while government is no game, the sports lesson applies – everyone in my Administration is committed to work hard until the last minute of our last day. I pledge to the people of Hawai'i all my effort in moving our State into the best possible position before the next Governor is sworn in later this year. I cherish the fact that I have been allowed to serve as the Governor of the Great State of Hawai'i, a place that is so deeply traditional and yet thrillingly young. I know you agree that our Aloha State's greatest days are yet to come. I stand before you rededicated to the job ahead! *Mahalo nui loa*, and God bless Hawai'i and the United States of America."

President Hanabusa then rose and stated:

"Thank you, Governor Lingle. On behalf of Speaker Say, the Legislature, and more importantly the people of the State of Hawaii, we thank you for your public service.

"My colleagues and I have all commented about the fact that this will be the most difficult legislative session that we will all face. Many of us, for probably our whole legislative career. This is the time when we must work cooperatively and for the people of the State of Hawaii. Cooperatively doesn't mean that we are always going to agree. Debate is good, discussion is good, and we know Governor, we've had many of those over these years. You don't hear her laughing behind me, but she's laughing.

"What that means for everyone is the fact that we will then leave no stone unturned and that is what we must do to meet this challenge. And I know that the Legislature, the Governor and her Cabinet, we're all up to it because we must be for you, the people of the State of Hawaii.

"I do want to say something that has never been emphasized, and in honoring of Coach Shoji, and the Governor didn't mention it, but I think it is also very important that in Governor Lingle, we saw the first woman Governor of the State of Hawaii.

"And as we hear the stories of Coach Shoji's amazing career and we all grew up thinking, as a girl, God, we're better than the boys. Look at all the things we win. And as I look up at the robotics team there, and see so many young girls, remember, remember in the future that you saw the first woman Governor of the State of Hawaii. We all owe you a debt of gratitude for that because that propels girls and women ahead.

"So on that note, Governor, again on behalf of us, we thank you. We look forward to working collaboratively with you in this last year. And now I declare this Joint Session Adjourned."

At 10:49 o'clock a.m., President Hanabusa declared the Joint Session of the House of Representatives and the Senate of the Twenty-Fifth Legislature adjourned.

RECONVENE

The House of Representatives reconvened at 10:59 o'clock a.m. with Speaker Say presiding.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.	**Referred to:**
2356	Committee on Finance
2357	Committee on Housing, then to the Committee on Finance
2358	Committee on Housing, then to the Committee on Finance
2359	Committee on Consumer Protection & Commerce
2360	Committee on Consumer Protection & Commerce
2361	Committee on Consumer Protection & Commerce

2362 Committee on Finance

2363 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2364 Committee on Transportation, then to the Committee on Consumer Protection & Commerce

2365 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance

2366 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

2367 Committee on Higher Education, then to the Committee on Finance

2368 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2369 Committee on Legislative Management, then to the Committee on Finance

2370 Committee on Transportation, then to the Committee on Finance

2371 Committee on Transportation

2372 Committee on Judiciary, then to the Committee on Finance

2373 Committee on Judiciary, then to the Committee on Finance

2374 Committee on Legislative Management, then to the Committee on Finance

2375 Committee on Judiciary, then to the Committee on Finance

2376 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2377 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2378 Committee on Education, then to the Committee on Finance

2379 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2380 Committee on Labor & Public Employment, then to the Committee on Judiciary

2381 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2382 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Higher Education, then to the Committee on Finance

2383 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2384 Committee on Judiciary

2385 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2386 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2387 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2388 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2389 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2390 Committee on Judiciary

2391 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

2392 Committee on Finance

2393 Committee on Agriculture, then to the Committee on Finance

2394 Committee on Health, then to the Committee on Finance

2395 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2396 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2397 Committee on Judiciary

2398 Jointly to the Committee on Energy & Environmental Protection and the Committee on Health and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2399 Committee on Finance

2400 Committee on Finance

2401 Committee on Finance

2402 Committee on Labor & Public Employment, then to the Committee on Finance

2403 Committee on Labor & Public Employment, then to the Committee on Finance

2404 Committee on Transportation, then to the Committee on Judiciary

2405 Committee on Education, then to the Committee on Finance

2406 Committee on Judiciary, then to the Committee on Finance

2407 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2408 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2409 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2410 Jointly to the Committee on Agriculture and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Higher Education, then to the Committee on Finance

2411 Committee on Agriculture, then to the Committee on Legislative Management, then to the Committee on Finance

2412 Committee on Agriculture, then to the Committee on Legislative Management, then to the Committee on Finance

2413 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Higher Education, then to the Committee on Finance

2414 Committee on Labor & Public Employment, then to the Committee on Finance

2415 Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce

2416 Committee on Water, Land, & Ocean Resources

2417 Committee on Tourism, Culture, & International Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2418 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary

2419 Committee on Transportation, then to the Committee on Finance

2420 Committee on Tourism, Culture, & International Affairs, then to the Committee on Public Safety, then to the Committee on Judiciary

2421 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance

2422 Committee on Finance

2423 Committee on Education, then to the Committee on Finance

2424 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2425 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2426 Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2427 Committee on Energy & Environmental Protection

2428 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2429 Committee on Labor & Public Employment, then to the Committee on Finance

2430 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2431 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2432 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2433 Committee on Transportation, then to the Committee on Energy & Environmental Protection

2434 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources

2435 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources

2436 Committee on Energy & Environmental Protection, then to the Committee on Finance

2437 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2438 Committee on Economic Revitalization, Business, & Military Affairs

2439 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2440 Committee on Housing, then to the Committee on Finance

2441 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2442 Committee on Housing, then to the Committee on Finance

2443 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2444 Committee on Judiciary, then to the Committee on Finance

2445 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2446 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2447 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

2448 Committee on Judiciary

2449 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2450 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture

2451 Committee on Energy & Environmental Protection, then to the Committee on Finance

2452 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2453 Committee on Energy & Environmental Protection, then to the Committee on Finance

2454 Committee on Judiciary

2455 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2456 Committee on Transportation, then to the Committee on Judiciary

2457 Committee on Judiciary

2458 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2459 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2460 Committee on Labor & Public Employment, then to the Committee on Finance

2461 Committee on Health, then to the Committee on Consumer Protection & Commerce

2462 Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance

2463 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, then to the Committee on Finance

2464 Committee on Health, then to the Committee on Consumer Protection & Commerce

2465 Committee on Transportation, then to the Committee on Judiciary

2466 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2467 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2468 Committee on Human Services, then to the Committee on Finance

2469 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2470 Jointly to the Committee on Health and the Committee on Agriculture, then to the Committee on Finance

2471 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2472 Committee on Energy & Environmental Protection, then to the Committee on Finance

2473 Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2474 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2475 Committee on Finance

2476 Committee on Finance

2477 Committee on Finance

2478 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2479 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2480 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2481 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 2356 through 2481) passed First Reading by title and were referred to Printing: (Representatives Carroll, Finnegan, Thielen and Ward were excused.)

H. B. Nos.

2356 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Representatives Nishimoto and Hanohano.

2357 "A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES."

Introduced by: Representatives Cabanilla, Mizuno and Chong.

2358 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."

Introduced by: Representatives Cabanilla, Chong, Evans, Aquino, Belatti, Carroll, Herkes, Karamatsu, Marumoto, McKelvey, Mizuno, Nakashima and Yamane.

2359 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."

Introduced by: Representative Herkes.

2360 "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES."

Introduced by: Representative Herkes.

2361 "A BILL FOR AN ACT RELATING TO RESPIRATORY CARE."

Introduced by: Representative Herkes.

2362 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Herkes, by request.

2363 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Saiki, by request.

2364 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Representatives Saiki, Belatti, Brower, C. Lee, Luke and Nishimoto.

2365 "A BILL FOR AN ACT RELATING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE."

Introduced by: Representatives Coffman, Chang, Chong, Evans, Hanohano, Herkes, Magaoay, Nakashima, B. Oshiro, Say, Tokioka, Tsuji, Yamashita, Bertram, McKelvey and Souki.

2366 "A BILL FOR AN ACT RELATING TO COFFEE."

Introduced by: Representatives Coffman, Herkes and Tsuji.

2367 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES."

Introduced by: Representatives Keith-Agaran, McKelvey, Yamashita, Nakashima and Souki.

2368 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Keith-Agaran, McKelvey, Nakashima and Yamashita.

2369 "A BILL FOR AN ACT RELATING TO REVOLVING AND TRUST FUNDS."

Introduced by: Representatives Keith-Agaran, Bertram, Manahan, McKelvey, Nakashima, Nishimoto, Yamashita and Chong.

2370 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki, Aquino, Awana, Hanohano, Keith-Agaran, M. Lee, Nakashima, Rhoads, Yamashita and Takumi.

2371 "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS."

Introduced by: Representatives Souki and Awana.

2372 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Belatti, Awana, Chang, Hanohano, C. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, B. Oshiro, Shimabukuro, Takumi and Thielen.

2373 "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING."

Introduced by: Representatives Belatti, Awana, Chang, Hanohano, C. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, B. Oshiro, Shimabukuro, Takumi and Thielen.

2374 "A BILL FOR AN ACT RELATING TO LEGISLATIVE ACCESS."

Introduced by: Representatives Belatti, Hanohano, Manahan, McKelvey, Mizuno, B. Oshiro, Rhoads, Shimabukuro, Thielen, Wakai, Ward, Luke and Magaoay.

2375 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Belatti, Hanohano, C. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Morita, B. Oshiro, Shimabukuro, Takumi and Thielen.

2376 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

Introduced by: Representatives Takumi, Awana, Belatti, Berg, Bertram, Brower, Chang, Coffman, Hanohano, Har, Ito, C. Lee, Luke, Magaoay, Manahan, Marumoto, Mizuno, Morita, Pine, Wakai, Yamashita, Aquino, M. Lee, McKelvey, Nakashima and Sagum.

2377 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Belatti, Berg, Bertram, Brower, Chang, Hanohano, Har, Ito, C. Lee, Luke, Manahan, Marumoto, Mizuno, Morita, Pine, Wakai, Yamashita, Aquino, Awana, Choy, Coffman, Magaoay, McKelvey and Nakashima.

2378 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2379 "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION."

Introduced by: Representative Takumi.

2380 "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION."

Introduced by: Representative Takumi.

2381 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Har, Aquino, Chang, Hanohano, Herkes, Ito, Karamatsu, Manahan, McKelvey, Takumi, Tsuji, Yamane, Carroll, Chong, M. Lee, Morita, B. Oshiro, Sagum, Say, Tokioka and Yamashita.

2382 "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA."

Introduced by: Representatives Har, Aquino, Belatti, Chang, Karamatsu, McKelvey, Nishimoto, B. Oshiro, Say, Shimabukuro, Takumi, Yamashita, Cabanilla, Chong and Choy.

2383 "A BILL FOR AN ACT RELATING TO FLAGS."

Introduced by: Representatives Har, Aquino, Cabanilla, Carroll, Hanohano, Ito, Karamatsu, M. Lee, Manahan, McKelvey, Takai, Tokioka, Yamane, Yamashita, Chang, Chong and Herkes.

2384 "A BILL FOR AN ACT RELATING TO ARBITRATION."

Introduced by: Representatives Har, Cabanilla, Ito, McKelvey, Mizuno, Carroll, Chong, Herkes, Morita, B. Oshiro, Souki, Takumi, Tsuji, Wakai and Yamane.

2385 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Har, Aquino, M. Lee, Takai, Yamane, Chong, Morita and Sagum.

2386 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Representatives Shimabukuro, Takai, Ito and Morita.

2387 "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH."

Introduced by: Representatives Shimabukuro, Takai, Brower and Ito.

2388 "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES."

Introduced by: Representatives Shimabukuro, Belatti, Brower, Morita, Takai and Ito.

2389 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Representatives Shimabukuro and Ito.

2390 "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS."

Introduced by: Representatives Shimabukuro, Ito and Karamatsu.

2391 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Evans.

2392 "A BILL FOR AN ACT RELATING TO REFUNDABLE FOOD/EXCISE TAX CREDIT."

Introduced by: Representative Evans.

2393 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Evans, McKelvey, Say, Tsuji and Yamashita.

2394 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Evans, Chang, Hanohano, Nakashima, Say and Tsuji.

2395 "A BILL FOR AN ACT RELATING TO POLLUTION."

Introduced by: Representative Say, by request.

2396 "A BILL FOR AN ACT RELATING TO GAMING."

Introduced by: Representative Say, by request.

2397 "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS."

Introduced by: Representative Say, by request.

2398 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Representative Say, by request.

2399 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Representative M. Oshiro.

2400 "A BILL FOR AN ACT RELATING TO STATE FINANCE."

Introduced by: Representative M. Oshiro.

2401 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Oshiro.

2402 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Representative M. Oshiro.

2403 "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE."

Introduced by: Representative M. Oshiro.

2404 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representatives Souki, Aquino, Awana, Hanohano, C. Lee, Luke, Nakashima, Rhoads, Takumi and Yamashita.

2405 "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN."

Introduced by: Representatives Souki, Aquino, Awana, Hanohano, C. Lee, Luke, Nakashima, Rhoads and Yamashita.

2406 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Introduced by: Representatives B. Oshiro, Chong, Ito, Karamatsu and Say.

2407 "A BILL FOR AN ACT RELATING TO DISTINGUISHING PUBLICITY RIGHTS TRADE NAMES FROM OTHER TYPES OF TRADE NAMES BY RENAMING THEM AS PUBLICITY RIGHTS NAMES AND SPECIFYING THE REGISTRATION PROCEDURES APPLICABLE TO PUBLICITY RIGHTS NAMES."

Introduced by: Representatives B. Oshiro, Chang and Nakashima.

2408 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representative B. Oshiro.

2409 "A BILL FOR AN ACT RELATING TO AQUACULTURE."

Introduced by: Representatives Tsuji, Awana, Brower, Chong, Evans, Har, Herkes, Ito, McKelvey, Mizuno, Nakashima, Wooley, Yamashita, Souki and Wakai.

2410 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Chong, Evans, Manahan, McKelvey, Morita, Wooley, Yamashita, Ito and Wakai.

2411 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE."

Introduced by: Representatives Tsuji, Chong, Morita, Sagum and Yamashita.

2412 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE."

Introduced by: Representatives Tsuji, Chong, Morita, Sagum and Yamashita.

2413 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representative McKelvey.

2414 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Representatives McKelvey, Evans, Mizuno and Choy.

2415 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Representatives McKelvey, Awana, Evans, Morita, Coffman and Tsuji.

2416 "A BILL FOR AN ACT RELATING TO SOIL AND WATER CONSERVATION DISTRICTS."

Introduced by: Representatives McKelvey and Chong.

2417 "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS."

Introduced by: Representative McKelvey.

2418 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative Chong.

2419 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVESTMENT IN COUNTY ECONOMIC DEVELOPMENT AND INFRASTRUCTURE."

Introduced by: Representatives Chong, Aquino, Carroll, Chang, Evans, Hanohano, Manahan, Morita, Nakashima, B. Oshiro, Sagum, Souki, Tokioka, Tsuji, Yamane, Yamashita and Bertram.

2420 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Chong, Awana, Hanohano, Manahan, Say, Tsuji and Yamashita.

2421 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representatives Coffman, Aquino, Awana, Belatti, Berg, Brower, Chang, Chong, Choy, Evans, Hanohano, Ito, Keith-Agaran, C. Lee, McKelvey, Morita, Nakashima, B. Oshiro, M. Oshiro, Saiki, Say, Takai, Takumi, Tsuji, Tokioka and Wooley.

2422 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FOURTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Choy.

2423 "A BILL FOR AN ACT RELATING TO EDUCATION BUDGET."

Introduced by: Representatives Takai, Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Coffman, Evans, Finnegan, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Shimabukuro, Souki, Takumi, Thielen, Tsuji, Wakai, Ward, Wooley, Yamane and Tokioka.

2424 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

Introduced by: Representatives Nakashima, Hanohano, Takai, Aquino, Bertram, Choy, Manahan, Rhoads and Takumi.

2425 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO REQUIRE THE GOVERNOR TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION ACCORDING TO SCHOOL COMPLEX AREAS."

Introduced by: Representatives Nakashima, Belatti, Hanohano, Herkes, Keith-Agaran, Morita, Aquino, Bertram, Choy, Manahan, Wakai and Yamashita.

2426 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."

Introduced by: Representatives Nakashima, Aquino, Awana, Belatti, Chang, Hanohano, Herkes, Manahan, Morita, Rhoads, Yamashita, Bertram, Choy and Wakai.

2427 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Representatives Nakashima, Keith-Agaran, Belatti, Bertram, Chang, Choy, Coffman, Hanohano, Herkes, Morita, Sagum, Tsuji, Wakai, Yamane and Yamashita.

2428 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Representatives Nakashima, Hanohano, Takai, Aquino, Bertram, Choy, Manahan, Rhoads and Takumi.

2429 "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES."

Introduced by: Representative Rhoads.

2430 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Rhoads.

2431 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Rhoads, Brower, B. Oshiro, Belatti and Wakai.

2432 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2433 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Say, by request.

2434 "A BILL FOR AN ACT RELATING TO PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING."

Introduced by: Representative Say, by request.

2435 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Say, by request.

2436 "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES."

Introduced by: Representative Say, by request.

2437 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Say, by request.

2438 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Say, by request.

2439 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2440 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2441 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Say, by request.

2442 "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING."

Introduced by: Representative Say, by request.

2443 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Say, by request.

2444 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Representatives Manahan, Marumoto, McKelvey, Mizuno, B. Oshiro, Thielen, Tokioka, Cabanilla, Herkes, Morita, Tsuji and Wakai.

2445 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Representatives Manahan, Evans, Marumoto, McKelvey, Takai, Tokioka, Tsuji and Wakai.

2446 "A BILL FOR AN ACT RELATING TO HAWAII TELEVISION AND FILM DEVELOPMENT."

Introduced by: Representatives Tokioka, Aquino, Har, Manahan, McKelvey, Tsuji, Yamane, Choy and Evans.

2447 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES."

Introduced by: Representatives Manahan, Evans, Marumoto, McKelvey, Takai, Tokioka, Yamashita, Tsuji and Wakai.

2448 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Manahan, Belatti, Marumoto, McKelvey, Mizuno, B. Oshiro, Thielen, Tsuji, Yamashita, Cabanilla, Herkes and Wakai.

2449 "A BILL FOR AN ACT RELATING TO COUNTY BOARDS OF WATER SUPPLY."

Introduced by: Representative Morita.

2450 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES."

Introduced by: Representatives Morita, Ching, Coffman, C. Lee, Luke, Thielen and Chong.

2451 "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY BUILDING PERMITTING."

Introduced by: Representatives Morita, Ching, Coffman, C. Lee, Luke and Thielen.

2452 "A BILL FOR AN ACT RELATING TO COASTAL AREAS."

Introduced by: Representatives Morita and Marumoto.

2453 "A BILL FOR AN ACT RELATING TO BIODIESEL PRODUCTION."

Introduced by: Representatives Carroll, Awana, Cabanilla, C. Lee, B. Oshiro and Shimabukuro.

2454 "A BILL FOR AN ACT RELATING TO TRESPASSING."

Introduced by: Representatives Carroll, Awana, B. Oshiro, Shimabukuro, Cabanilla and C. Lee.

2455 "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY."

Introduced by: Representatives Carroll, Awana, Shimabukuro, Cabanilla, C. Lee, and B. Oshiro.

2456 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives C. Lee, Evans, Aquino, Brower, Souki and Wakai.

2457 "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING SYSTEMS."

Introduced by: Representatives C. Lee, Brower, Aquino, Evans, Souki and Wakai.

2458 "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY."

Introduced by: Representatives C. Lee, Evans, Manahan, Aquino, Souki and Wakai.

2459 "A BILL FOR AN ACT RELATING TO SHARKS."

Introduced by: Representatives C. Lee, Awana, Berg, Bertram, Brower, Manahan, Aquino, Evans and Souki.

2460 "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS."

Introduced by: Representative Evans.

2461 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representatives Yamane, Mizuno, B. Oshiro, Shimabukuro, Brower, Carroll and Herkes.

2462 "A BILL FOR AN ACT RELATING TO USE OF TOBACCO SETTLEMENT FUNDS."

Introduced by: Representatives Yamane, Brower, Mizuno and Shimabukuro.

2463 "A BILL FOR AN ACT RELATING TO SUSTAINABILITY."

Introduced by: Representatives Yamane, Chang, Evans, Ito, Magaoay, B. Oshiro, Sagum, Say, Souki and Yamashita.

2464 "A BILL FOR AN ACT RELATING TO PRACTICE OF PHARMACY."

Introduced by: Representatives Yamane, Belatti, Brower, Mizuno, Nishimoto, Aquino, Chong, Ito, M. Lee, Luke, Shimabukuro and Yamashita.

2465 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."

Introduced by: Representative Karamatsu.

2466 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Mizuno.

2467 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE."

Introduced by: Representatives Mizuno and Manahan.

2468 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION."

Introduced by: Representative Mizuno.

2469 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE BUDGET SHORTFALL FOR HAWAII QUEST."

Introduced by: Representative Mizuno.

2470 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WOMEN AND INFANT CHILDREN FARMERS' MARKET NUTRITION PROGRAM."

Introduced by: Representative Mizuno.

2471 "A BILL FOR AN ACT RELATING TO CARE FACILITIES."

Introduced by: Representative Mizuno.

2472 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Representatives Mizuno, Brower, Hanohano, C. Lee, Pine, Thielen, Aquino, Belatti and Manahan.

2473 "A BILL FOR AN ACT RELATING TO WORKPLACE PRACTICES."

Introduced by: Representative Mizuno.

2474 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH."

Introduced by: Representative Mizuno.

2475 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representatives Mizuno, Brower, Evans and Nishimoto.

2476 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representative Mizuno.

2477 "A BILL FOR AN ACT RELATING TO APPROPRIATIONS."

Introduced by: Representative Mizuno.

2478 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Mizuno, Aquino, C. Lee, Pine, Thielen, Ward and Hanohano.

2479 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES."

Introduced by: Representatives Mizuno, Aquino, Manahan and Yamane.

2480 "A BILL FOR AN ACT RELATING TO HISTORIC PLACES."

Introduced by: Representatives Awana, Carroll, Evans, Shimabukuro, Yamashita, Aquino, Chong, Ito, Magaoay and Sagum.

2481 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Awana, Aquino, Evans, Hanohano, Pine, Sagum, Shimabukuro, Carroll and Magaoay.

ANNOUNCEMENTS

Representative Shimabukuro: "Thank you, Mr. Speaker. My office and some others are putting on a poi pounding event today in the Capitol Rotunda. It's in honor of a beloved *kupuna*, Eddie Ka'anana. The event is open and free to the public. It's from 3:00 to 7:00 p.m. today in the Rotunda."

At 11:00 o'clock a.m., the House of Representatives stood in recess until 11:30 o'clock a.m., Wednesday, January 27, 2010.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:30 o'clock a.m., Wednesday, January 27, 2010.

OTHER COMMUNICATIONS

Communication dated January 25, 2010, from Representative Mizuno and Senator Chun Oakland, Co-Chairs for the Asset Building and Financial Education Task Force, submitting a report, Joint Special Com. Rep. No. 2.

FIFTH DAY

Wednesday, January 27, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:34 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Kahu Curt Kekuna of the Kawaiaha'o Church, after which the Roll was called showing all Members present with the exception of Representatives C. Lee, Luke and Thielen, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 152 through 156) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 152, dated January 22, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 162, Section 120, Session Laws of Hawaii, 2009, Requiring a Report on Department of Health Transfers to the Department of Human Services for the Care and Treatment of Patients; and Act 162, Section 121, Session Laws of Hawaii, 2009, Requiring a Report on Department of Human Service Agreements with the Department of Health to Furnish Outpatient, Hospital, and Nursing Home Care for Indigents or Medical Indigents.

Gov. Msg. No. 153, dated January 22, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 100, Section 334, Session Laws of Hawaii, 2009, Requiring the Department of Health to Submit an Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital.

Gov. Msg. No. 154, dated January 14, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to H.C.R. 13, Session Laws of Hawaii, 2009, Requesting a Study of Various Unresolved Issues Relating to Aging.

Gov. Msg. No. 155, dated January 22, 2010, transmitting a letter stating that pursuant to Section 1, subsection (j) of Act 156, Session Laws of Hawaii 2008, the Department of Human Resources reports that the executive branch re-employed two (2) retirants in the 2009 calendar year; one was a civil service administrator position in the Department of the Attorney General and the other was an exempt deputy director in the Department of Taxation.

Gov. Msg. No. 156, dated January 25, 2010, transmitting the Hawaii Housing Finance and Development Corporation's Report to the Twenty-Fifth Legislature, State of Hawaii 2010 pursuant to Section 201H-202, subsections (f) and (i), Hawaii Revised Statutes, Relating to Projects Funded by the Rental Housing Trust Fund.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 6) was received and announced by the Clerk:

Sen. Com. No. 6, transmitting H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS, WITH HAWAII CONNECTIONS, KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on January 25, 2010.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 50 and 51) were received by the Clerk and were placed on file:

Dept. Com. No. 50, dated January 21, 2010, from Pearl Imada Iboshi, Chair, 2010 Census Hawaii Government Complete Count Committee, transmitting the first two issues in a series of 2010 Census Newsletters.

Dept. Com. No. 51, dated January 26, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Annual Report on the University of Hawaii's Continued Participation in the Western Interstate Commission of Higher Education (Section 304A-3205, Hawaii Revised Statutes) as requested by the Legislature.

INTRODUCTIONS

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

Representative M. Oshiro introduced Senator Jim 'Kimo' Keane of the Montana State Senate.

Representative Har introduced her constituents, Ms. Carolyn Golojuch and her son, Mr. Michael Golojuch, Jr.

At this time, the Chair stated:

"Members at this time, I would like to request that we all stand for a moment of silence for one of our former colleagues who was in the House of Representatives from 1958 and passed away last week. Former Representative Jack Suwa. Please stand for a moment of silence."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Former Representative Jack Suwa.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.	Referred to:
2482	Committee on Finance
2483	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2484	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2485	Committee on Education, then to the Committee on Finance
2486	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2487	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2488	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2489 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2490 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2491 Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

2492 Committee on Water, Land, & Ocean Resources

2493 Committee on Labor & Public Employment, then to the Committee on Finance

2494 Committee on Finance

2495 Committee on Finance

2496 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2497 Committee on Energy & Environmental Protection, then to the Committee on Finance

2498 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2499 Committee on Finance

2500 Committee on Agriculture, then to the Committee on Finance

2501 Committee on Finance

2502 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2503 Committee on Agriculture, then to the Committee on Finance

2504 Committee on Agriculture, then to the Committee on Finance

2505 Committee on Finance

2506 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2507 Committee on Finance

2508 Committee on Judiciary, then to the Committee on Finance

2509 Committee on Judiciary

2510 Committee on Judiciary

2511 Committee on Judiciary

2512 Committee on Judiciary

2513 Committee on Judiciary

2514 Committee on Judiciary

2515 Committee on Judiciary, then to the Committee on Finance

2516 Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2517 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2518 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2519 Committee on Energy & Environmental Protection, then to the Committee on Finance

2520 Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce

2521 Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce

2522 Committee on Energy & Environmental Protection, then to the Committee on Finance

2523 Committee on Judiciary, then to the Committee on Finance

2524 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing

2525 Committee on Housing, then to the Committee on Finance

2526 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2527 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2528 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources

2529 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2530 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2531 Committee on Energy & Environmental Protection, then to the Committee on Finance

2532 Committee on Finance

2533 Committee on Labor & Public Employment, then to the Committee on Finance

2534 Committee on Labor & Public Employment, then to the Committee on Finance

2535 Committee on Labor & Public Employment, then to the Committee on Finance

2536 Committee on Labor & Public Employment, then to the Committee on Finance

2537 Committee on Labor & Public Employment, then to the Committee on Finance

2538 Committee on Labor & Public Employment, then to the Committee on Finance

2539 Committee on Finance

2540 Committee on Judiciary, then to the Committee on Finance

2541 Committee on Labor & Public Employment, then to the Committee on Finance

2542 Committee on Finance

2543 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2544 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2545 Committee on Health, then to the Committee on Consumer Protection & Commerce

2546 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2547 Committee on Health, then to the Committee on Consumer Protection & Commerce

2548 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2549 Committee on Public Safety, then to the Committee on Finance

2550 Committee on Education, then to the Committee on Finance

2551 Committee on Education, then to the Committee on Finance

2552 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2553 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2554 Committee on Consumer Protection & Commerce

2555 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2556 Committee on Education, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2557 Committee on Judiciary, then to the Committee on Finance

2558 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2559 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2560 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Judiciary

2561 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2562 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2563 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2564 Committee on Human Services, then to the Committee on Finance

2565 Committee on Human Services, then to the Committee on Finance

2566 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2567 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2568 Committee on Housing

2569 Committee on Labor & Public Employment, then to the Committee on Finance

2570 Committee on Labor & Public Employment, then to the Committee on Finance

2571 Committee on Labor & Public Employment, then to the Committee on Finance

2572 Committee on Health, then to the Committee on Judiciary

2573 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2574 Committee on Health, then to the Committee on Transportation, then to the Committee on Finance

2575 Committee on Health, then to the Committee on Judiciary

2576 Committee on Health, then to the Committee on Finance

2577 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2578 Committee on Labor & Public Employment, then to the Committee on Finance

2579 Committee on Labor & Public Employment, then to the Committee on Finance

2580 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2581 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2582 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2583 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2584 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2585 Committee on Water, Land, & Ocean Resources

2586 Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2587 Committee on Tourism, Culture, & International Affairs

2588 Committee on Judiciary, then to the Committee on Finance

2589 Committee on Judiciary, then to the Committee on Finance

2590 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2591 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2592 Committee on Health, then to the Committee on Judiciary

2593 Committee on Public Safety

2594 Committee on Finance

2595 Committee on Finance

2596 Committee on Finance

2597 Committee on Finance

2598 Committee on Finance

2599 Committee on Judiciary, then to the Committee on Finance

2600 Committee on Finance

2601 Committee on Transportation, then to the Committee on Judiciary

2602 Committee on Transportation, then to the Committee on Judiciary

2603 Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2604 Committee on Transportation, then to the Committee on Finance

2605 Committee on Transportation, then to the Committee on Finance

2606 Committee on Transportation, then to the Committee on Judiciary

2607 Committee on Transportation, then to the Committee on Judiciary

2608 Committee on Higher Education, then to the Committee on Finance

2609 Committee on Higher Education, then to the Committee on Finance

2610 Jointly to the Committee on Higher Education and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2611 Committee on Higher Education, then to the Committee on Finance

2612 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2613 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Legislative Management, then to the Committee on Judiciary

2614 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary

2615 Committee on Education, then to the Committee on Finance

2616 Committee on Finance

2617 Committee on Labor & Public Employment, then jointly to the Committee on Health and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2618 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources

2619 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2620 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection

2621 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2622 Committee on Finance

2623 Committee on Transportation, then to the Committee on Finance

2624 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2625 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2626 Committee on Finance

2627 Committee on Finance

2628 Committee on Energy & Environmental Protection, then to the Committee on Finance

2629 Committee on Transportation, then to the Committee on Health

2630 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2631 Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2632 Committee on Finance

2633 Committee on Consumer Protection & Commerce

2634 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2635 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2636 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2637 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2638 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2639 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2640 Committee on Finance

2641 Committee on Higher Education, then to the Committee on Finance

2642 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2643 Committee on Energy & Environmental Protection, then to the Committee on Finance

2644 Committee on Energy & Environmental Protection, then to the Committee on Finance

2645 Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2646 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2647 Committee on Judiciary

2648 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2649 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2650 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Consumer Protection & Commerce

2651 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Consumer Protection & Commerce

2652 Committee on Health, then to the Committee on Judiciary

2653 Committee on Judiciary, then to the Committee on Finance

2654 Committee on Judiciary, then to the Committee on Finance

2655 Committee on Finance

2656 Committee on Public Safety, then to the Committee on Finance

2657 Committee on Public Safety, then to the Committee on Finance

2658 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2659 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2660 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2661 Committee on Health, then to the Committee on Judiciary

2662 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary

2663 Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2664 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2665 Committee on Labor & Public Employment, then to the Committee on Finance

2666 Committee on Judiciary, then to the Committee on Finance

2667 Committee on Transportation, then to the Committee on Finance

2668 Committee on Finance

2669 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2670 Committee on Higher Education, then to the Committee on Finance

2671 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2672 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2673 Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Finance

2674 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources

2675 Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

2676 Committee on Hawaiian Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2677 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2678 Committee on Health, then to the Committee on Consumer Protection & Commerce

2679 Committee on Transportation, then to the Committee on Judiciary

2680 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2681 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2682 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2683 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2684 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2685 Committee on Higher Education, then to the Committee on Finance

2686 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

2687 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2688 Committee on Health, then to the Committee on Finance

2689 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

2690 Committee on Finance

2691 Jointly to the Committee on Health and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2692 Committee on Public Safety, then to the Committee on Finance

2693 Committee on Transportation, then to the Committee on Judiciary

2694 Committee on Finance

2695 Committee on Finance

2696 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

2697 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary

2698 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2699 Committee on Finance

2700 Committee on Finance

2701 Committee on Higher Education, then to the Committee on Finance

2702 Committee on Labor & Public Employment, then to the Committee on Finance

2703 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2704 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

2705 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2706 Committee on Consumer Protection & Commerce

2707 Committee on Finance

2708 Committee on Transportation, then to the Committee on Finance

2709 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2710 Committee on Transportation

2711 Committee on Labor & Public Employment, then to the Committee on Finance

2712 Committee on Housing, then to the Committee on Finance

2713 Committee on Energy & Environmental Protection, then to the Committee on Finance

2714 Committee on Finance

2715 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2716 Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

2717 Committee on Finance

2718 Committee on Public Safety, then to the Committee on Judiciary

2719 Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs

2720 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2721 Committee on Judiciary

2722 Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2723 Committee on Health, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2724 Committee on Judiciary

2725 Committee on Judiciary

2726 Committee on Transportation, then to the Committee on Finance

2727 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2728 Committee on Finance

2729 Committee on Agriculture, then to the Committee on Finance

2730 Committee on Finance

2731 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2732 Jointly to the Committee on Public Safety and the Committee on Health and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance

2733 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2734 Committee on Judiciary, then to the Committee on Finance

2735 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2736 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2737 Committee on Finance

2738 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary

2739 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, then to the Committee on Finance

2740 Committee on Education, then to the Committee on Finance

2741 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2742 Jointly to the Committee on Health and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2743 Committee on Energy & Environmental Protection, then to the Committee on Finance

2744 Committee on Economic Revitalization, Business, & Military Affairs

2745 Committee on Economic Revitalization, Business, & Military Affairs

2746 Committee on Economic Revitalization, Business, & Military Affairs

2747 Committee on Economic Revitalization, Business, & Military Affairs

2748 Committee on Economic Revitalization, Business, & Military Affairs

2749 Committee on Labor & Public Employment, then to the Committee on Finance

2750 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2751 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2752 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2753 Committee on Judiciary, then to the Committee on Finance

2754 Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2755 Committee on Energy & Environmental Protection, then to the Committee on Finance

2756 Committee on Labor & Public Employment, then to the Committee on Finance

2757 Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance

2758 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2759 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2760 Committee on Hawaiian Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2761 Committee on Education, then to the Committee on Finance

2762 Committee on Education, then to the Committee on Finance

2763 Committee on Health, then to the Committee on Finance

2764 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2765 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2766 Committee on Health, then to the Committee on Judiciary

2767 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2768 Jointly to the Committee on Transportation and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2769 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

2770 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2771 Committee on Legislative Management

2772 Committee on Legislative Management

2773 Committee on Legislative Management

2774 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2775 Committee on Agriculture, then to the Committee on Finance

2776 Committee on Transportation, then to the Committee on Judiciary

2777 Committee on Finance

2778 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2779 Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources

2780 Committee on Agriculture, then to the Committee on Finance

2781 Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance

2782 Committee on Finance

2783 Committee on Tourism, Culture, & International Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2784 Committee on Judiciary, then to the Committee on Finance

2785 Committee on Transportation, then to the Committee on Judiciary

2786 Committee on Tourism, Culture, & International Affairs, then to the Committee on Education, then to the Committee on Finance

2787 Committee on Finance

2788 Committee on Transportation, then to the Committee on Judiciary

2789 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2790 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2791 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Finance

2792 Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Judiciary

2793 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2794 Committee on Education, then to the Committee on Finance

2795 Committee on Health, then to the Committee on Consumer Protection & Commerce

2796 Committee on Human Services, then to the Committee on Judiciary

2797 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2798 Committee on Human Services, then to the Committee on Finance

2799 Committee on Judiciary

2800 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

2801 Committee on Health, then to the Committee on Finance

2802 Committee on Finance

2803 Committee on Finance

2804 Committee on Human Services, then to the Committee on Judiciary

2805 Committee on Public Safety, then to the Committee on Finance

2806 Committee on Education, then to the Committee on Finance

2807 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2808 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2809 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2810 Committee on Education, then to the Committee on Finance

2811 Committee on Finance

2812 Committee on Housing, then to the Committee on Consumer Protection & Commerce

2813 Committee on Health, then to the Committee on Finance

2814 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2815 Committee on Housing, then to the Committee on Consumer Protection & Commerce

2816 Committee on Finance

2817 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	**Re-referred to:**
2029	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2061	Committee on Human Services, then to the Committee on Finance
2101	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
2322	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2413	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1-10) recommending that H.B. No. 2162, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives C. Lee, Luke and Thielen being excused.

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 2482 through 2994) laying on the Clerk's desk and received up to 6:00 o'clock p.m. passed First Reading by title and were referred to Printing: (Representatives C. Lee, Luke and Thielen were excused.)

H. B. Nos.

2482 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SIXTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Luke.

2483 "A BILL FOR AN ACT RELATING TO SHARKS."

Introduced by: Representatives Berg, Brower, Carroll, Coffman, Hanohano, C. Lee, Luke, McKelvey, Morita, Nishimoto, Saiki, Shimabukuro, Bertram and Wakai.

2484 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Berg, Aquino, Belatti, Brower, Carroll, Hanohano, C. Lee, Luke, McKelvey, Nishimoto, Shimabukuro, Bertram, Coffman and Wakai.

2485 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Berg, Bertram, Brower, Carroll, Hanohano, C. Lee, McKelvey, Belatti, Coffman, Luke, Saiki, Shimabukuro and Wakai.

2486 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Berg, Belatti, Bertram, Brower, Carroll, Hanohano, C. Lee, Luke, McKelvey, Morita, Nishimoto, Saiki, Shimabukuro, Takai, Wakai, Aquino, Choy and Coffman.

2487 "A BILL FOR AN ACT RELATING TO IMPACT FEES."

Introduced by: Representatives Cabanilla, Hanohano, Shimabukuro, Bertram, Chong and Tsuji.

2488 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representatives Cabanilla, Awana, Hanohano, Mizuno, Shimabukuro, Bertram, Chong and Tsuji.

2489 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Cabanilla, Chong, Hanohano, Bertram, Magaoay, Shimabukuro and Tsuji.

2490 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Chong, Hanohano, Nakashima, Bertram, Magaoay, Shimabukuro and Tsuji.

2491 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."

Introduced by: Representatives Cabanilla, Chong, Hanohano, Mizuno, Awana, Bertram, Ito, Magaoay and Tsuji.

2492 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Representative Sagum, by request.

2493 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION."

Introduced by: Representatives B. Oshiro, Rhoads and Herkes.

2494 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 42ND REPRESENTATIVE DISTRICT."

Introduced by: Representative Cabanilla.

2495 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Evans.

2496 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Representative Evans.

2497 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Representative Evans.

2498 "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION."

Introduced by: Representative Evans.

2499 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE NINETEENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Marumoto.

2500 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Representative Wooley.

2501 "A BILL FOR AN ACT RELATING TO LIQUOR TAX."

Introduced by: Representative Wooley.

2502 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Wooley.

2503 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Representative Say, by request.

2504 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representative Say, by request.

2505 "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE."

Introduced by: Representative Say, by request.

2506 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Representative Say, by request.

2507 "A BILL FOR AN ACT RELATING TO PAYROLL."

Introduced by: Representative Say, by request.

2508 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."

Introduced by: Representative Say, by request.

2509 "A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN."

Introduced by: Representative Say, by request.

2510 "A BILL FOR AN ACT RELATING TO DEFENSES TO THEFT PROSECUTION."

Introduced by: Representative Say, by request.

2511 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."

Introduced by: Representative Say, by request.

2512 "A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY."

Introduced by: Representative Say, by request.

2513 "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF PLEA."

Introduced by: Representative Say, by request.

2514 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION."

Introduced by: Representative Say, by request.

2515 "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES OR INTEREST AGAINST THE STATE."

Introduced by: Representative Say, by request.

2516 "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC."

Introduced by: Representative Say, by request.

2517 "A BILL FOR AN ACT RELATING TO FOSSIL FUELS."

Introduced by: Representative Say, by request.

2518 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Say, by request.

2519 "A BILL FOR AN ACT RELATING TO BIOFUELS."

Introduced by: Representative Say, by request.

2520 "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC READY NEW RESIDENTIAL HOMES."

Introduced by: Representative Say, by request.

2521 "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY CAPABLE CONSTRUCTION."

Introduced by: Representative Say, by request.

2522 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Say, by request.

2523 "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION."

Introduced by: Representative Say, by request.

2524 "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT."

Introduced by: Representative Say, by request.

2525 "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDITS."

Introduced by: Representative Say, by request.

2526 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representative Say, by request.

2527 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Say, by request.

2528 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representative Say, by request.

2529 "A BILL FOR AN ACT RELATING TO CREATIVE MEDIA."

Introduced by: Representative Say, by request.

2530 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY PRODUCERS."

Introduced by: Representative Say, by request.

2531 "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS."

Introduced by: Representative Say, by request.

2532 "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY."

Introduced by: Representative Say, by request.

2533 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS."

Introduced by: Representative Say, by request.

2534 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say, by request.

2535 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say, by request.

2536 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say, by request.

2537 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say, by request.

2538 "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS."

Introduced by: Representative Say, by request.

2539 "A BILL FOR AN ACT RELATING TO THE STATE FISCAL STABILIZATION FUND."

Introduced by: Representative Say, by request.

2540 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE STATE FISCAL STABILIZATION FUND."

Introduced by: Representative Say, by request.

2541 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative Say, by request.

2542 "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS."

Introduced by: Representative Say, by request.

2543 "A BILL FOR AN ACT RELATING TO DISTINGUISHING PUBLICITY RIGHTS TRADE NAMES FROM OTHER TYPES OF TRADE NAMES BY RENAMING THEM AS PUBLICITY RIGHTS NAMES AND SPECIFYING THE REGISTRATION PROCEDURES APPLICABLE TO PUBLICITY RIGHTS NAMES."

Introduced by: Representative Say, by request.

2544 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Say, by request.

2545 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Say, by request.

2546 "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES."

Introduced by: Representative Say, by request.

2547 "A BILL FOR AN ACT RELATING TO THE DENTAL LICENSURE EXAMINATION."

Introduced by: Representative Say, by request.

2548 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

Introduced by: Representative Say, by request.

2549 "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT."

Introduced by: Representative Say, by request.

2550 "A BILL FOR AN ACT RELATING TO THE INTERDEPARTMENTAL COUNCIL ON EARLY CHILDHOOD EDUCATION."

Introduced by: Representative Say, by request.

2551 "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS."

Introduced by: Representative Say, by request.

2552 "A BILL FOR AN ACT RELATING TO EDUCATION GOVERNANCE."

Introduced by: Representative Say, by request.

2553 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO MAKE THE DEPARTMENT OF EDUCATION A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT."

Introduced by: Representative Say, by request.

2554 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative Say, by request.

2555 "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD."

Introduced by: Representative Say, by request.

2556 "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS."

Introduced by: Representative Say, by request.

2557 "A BILL FOR AN ACT RELATING TO BOARD MEETINGS."

Introduced by: Representative Say, by request.

2558 "A BILL FOR AN ACT RELATING TO JOB CREATION."

Introduced by: Representative Say, by request.

2559 "A BILL FOR AN ACT RELATING TO REMODELING TAX CREDITS."

Introduced by: Representative Say, by request.

2560 "A BILL FOR AN ACT RELATING TO STANDARD TIMEFRAMES FOR APPLICATION REVIEWS."

Introduced by: Representative Say, by request.

2561 "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE."

Introduced by: Representative Say, by request.

2562 "A BILL FOR AN ACT RELATING TO PETROLEUM INDUSTRY REPORTING."

Introduced by: Representative Say, by request.

2563 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT."

Introduced by: Representative Say, by request.

2564 "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE."

Introduced by: Representative Say, by request.

2565 "A BILL FOR AN ACT RELATING TO DEATH BENEFITS."

Introduced by: Representative Say, by request.

2566 "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION."

Introduced by: Representative Say, by request.

2567 "A BILL FOR AN ACT RELATING TO WARRANTS ISSUED BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES."

Introduced by: Representative Say, by request.

2568 "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY."

Introduced by: Representative Say, by request.

2569 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Representative Say, by request.

2570 "A BILL FOR AN ACT RELATING TO INTEREST ARBITRATION."

Introduced by: Representative Say, by request.

2571 "A BILL FOR AN ACT RELATING TO PUBLIC SECTOR COLLECTIVE BARGAINING."

Introduced by: Representative Say, by request.

2572 "A BILL FOR AN ACT RELATING TO CONFIDENTIALITY OF FORENSIC MENTAL HEALTH EXAMINATION REPORTS."

Introduced by: Representative Say, by request.

2573 "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED."

Introduced by: Representative Say, by request.

2574 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Representative Say, by request.

2575 "A BILL FOR AN ACT RELATING TO TRAUMA."

Introduced by: Representative Say, by request.

2576 "A BILL FOR AN ACT RELATING TO IMMUNIZATION."

Introduced by: Representative Say, by request.

2577 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representative Say, by request.

2578 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW."

Introduced by: Representative Say, by request.

2579 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW."

Introduced by: Representative Say, by request.

2580 "A BILL FOR AN ACT RELATING TO RECREATIONAL RENAISSANCE. "

Introduced by: Representative Say, by request.

2581 "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS."

Introduced by: Representative Say, by request.

2582 "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS. "

Introduced by: Representative Say, by request.

2583 "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS. "

Introduced by: Representative Say, by request.

2584 "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND."

Introduced by: Representative Say, by request.

2585 "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION."

Introduced by: Representative Say, by request.

2586 "A BILL FOR AN ACT RELATING TO THE LICENSING OF ARCHAEOLOGISTS. "

Introduced by: Representative Say, by request.

2587 "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY."

Introduced by: Representative Say, by request.

2588 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO CREATE THE OFFICE OF THE SECRETARY OF STATE."

Introduced by: Representative Say, by request.

2589 "A BILL FOR AN ACT RELATING TO THE GOVERNANCE OF ELECTIONS."

Introduced by: Representative Say, by request.

2590 "A BILL FOR AN ACT RELATING TO THE HAWAII SPORTS COMMISSION."

Introduced by: Representative Say, by request.

2591 "A BILL FOR AN ACT RELATING TO TIP CREDIT."

Introduced by: Representative Say, by request.

2592 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Representative Say, by request.

2593 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representative Say, by request.

2594 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."

Introduced by: Representative Say, by request.

2595 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representative Say, by request.

2596 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Representative Say, by request.

2597 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX ON INSURANCE PRODUCERS."

Introduced by: Representative Say, by request.

2598 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Say, by request.

2599 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."

Introduced by: Representative Say, by request.

2600 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."

Introduced by: Representative Say, by request.

2601 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."

Introduced by: Representative Say, by request.

2602 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representative Say, by request.

2603 "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES."

Introduced by: Representative Say, by request.

2604 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."

Introduced by: Representative Say, by request.

2605 "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES."

Introduced by: Representative Say, by request.

2606 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representative Say, by request.

2607 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representative Say, by request.

2608 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2609 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2610 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2611 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2612 "A BILL FOR AN ACT RELATING TO LAND MANAGEMENT."

Introduced by: Representative Karamatsu.

2613 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Representative Karamatsu.

2614 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."

Introduced by: Representative Karamatsu.

2615 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives Shimabukuro, Mizuno, Pine, Thielen, Hanohano and Rhoads.

2616 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Shimabukuro.

2617 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representative Shimabukuro, by request.

2618 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representatives McKelvey, Bertram, Morita and Wakai.

2619 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."

Introduced by: Representatives McKelvey, Awana, Morita and Wakai.

2620 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representatives McKelvey, Bertram, Morita, Wakai and Awana.

2621 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY PROJECTS."

Introduced by: Representatives McKelvey, Sagum and Wakai.

2622 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative McKelvey.

2623 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives McKelvey, Bertram, Keith-Agaran and Souki.

2624 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Wakai, Evans, Keith-Agaran, C. Lee, Manahan, Nakashima, Thielen, Bertram, Chong, Hanohano, Ito, Marumoto, McKelvey, Morita, Rhoads, Shimabukuro, Souki, Tsuji and Yamashita.

2625 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Wakai, Keith-Agaran, C. Lee, Manahan, Shimabukuro, Bertram, Chang, Chong, Evans, Hanohano, Ito, Marumoto, McKelvey, Morita, Nakashima, Souki, Thielen, Tsuji and Yamashita.

2626 "A BILL FOR AN ACT RELATING TO RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING."

Introduced by: Representatives Wakai, Aquino, Chang, Chong, Evans, Hanohano, Keith-Agaran, C. Lee, Luke, Manahan, Marumoto, McKelvey, Morita, Nakashima, Shimabukuro, Souki, Takumi, Thielen, Tsuji, Yamashita, Karamatsu and Rhoads.

2627 "A BILL FOR AN ACT RELATING TO STATE INCOME TAX."

Introduced by: Representatives Wakai, Aquino, Chang, Chong, Keith-Agaran, C. Lee, Luke, McKelvey, Takumi, Souki, Tsuji and Yamashita.

2628 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."

Introduced by: Representatives Wakai, Chang, Chong, Manahan, McKelvey, Rhoads, Shimabukuro, Thielen, Evans, Ito, Souki, Takumi, Tsuji and Yamashita.

2629 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Representative Tsuji, by request.

2630 "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT."

Introduced by: Representative Herkes.

2631 "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING."

Introduced by: Representative Herkes.

2632 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW."

Introduced by: Representative Herkes.

2633 "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES."

Introduced by: Representative Herkes.

2634 "A BILL FOR AN ACT RELATING TO PHARMACEUTICAL MARKETING."

Introduced by: Representative Takumi.

2635 "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS."

Introduced by: Representative Takumi.

2636 "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS."

Introduced by: Representative Takumi.

2637 "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS."

Introduced by: Representative Takumi.

2638 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representatives Chang, Cabanilla, Hanohano, Bertram, Evans, Herkes, Ito, Magaoay, Manahan, McKelvey, Nakashima, Tsuji and Wakai.

2639 "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS."

Introduced by: Representatives Chang, Cabanilla, Evans, Hanohano, Ito, Karamatsu, M. Lee, Manahan, McKelvey, Takumi, Bertram, Magaoay, Nakashima, Tsuji and Wakai.

2640 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Chang, Evans, Hanohano, Herkes, Ito, M. Lee, Magaoay, Manahan, McKelvey, Nakashima, Tsuji, Wakai and Bertram.

2641 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS."

Introduced by: Representatives Chang, Hanohano, Ito, M. Lee, Magaoay, Manahan, Nakashima, Bertram, Takumi and Wakai.

2642 "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION."

Introduced by: Representatives Morita, Coffman and Herkes.

2643 "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS."

Introduced by: Representative Morita.

2644 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representative Morita.

2645 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Representatives Morita and McKelvey.

2646 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."

Introduced by: Representative Morita.

2647 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE."

Introduced by: Representatives Brower, Cabanilla, Coffman, C. Lee, Manahan, McKelvey, Mizuno, Pine, Wakai, Berg, Bertram, Chong, Magaoay, Nakashima, Nishimoto, Rhoads, Saiki and Yamashita.

2648 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."

Introduced by: Representatives Brower, Manahan, Mizuno, Berg, Bertram, Coffman, C. Lee, McKelvey, Nakashima and Souki.

2649 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS."

Introduced by: Representatives Brower, Cabanilla, Hanohano, C. Lee, Takai, Belatti and Rhoads.

2650 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Representatives Brower, Cabanilla, Manahan, Mizuno, Bertram, Chong, Coffman, Hanohano, C. Lee, Nakashima, Nishimoto and Pine.

2651 "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES."

Introduced by: Representatives Brower, Cabanilla, Manahan, Mizuno, Berg, Bertram, Chong, Coffman, Hanohano, C. Lee, Magaoay, McKelvey, Morita, Nakashima, Nishimoto, Pine, Souki and Wakai.

2652 "A BILL FOR AN ACT RELATING TO MEDICAL PROCEDURES."

Introduced by: Representative Belatti, by request.

2653 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 3, OF THE HAWAII CONSTITUTION, TO CONSTITUTIONALLY ESTABLISH THE ELECTIONS COMMISSION TO SUPERVISE THE CHIEF ELECTION OFFICER."

Introduced by: Representatives Belatti, Berg, C. Lee, Luke, Marumoto, Morita, McKelvey, B. Oshiro and Wakai.

2654 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Belatti, Berg, C. Lee, Luke, Marumoto, Morita, B. Oshiro, McKelvey and Wakai.

2655 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Hanohano.

2656 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representatives Hanohano, Aquino, Awana, Keith-Agaran, M. Lee, Nakashima, Souki and Takumi.

2657 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Hanohano, Aquino, Awana, Keith-Agaran, M. Lee, Nakashima, Pine, Souki and Takumi.

2658 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Hanohano, Pine, Takumi, Aquino and Nakashima.

2659 "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS."

Introduced by: Representative Yamane.

2660 "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS."

Introduced by: Representative Yamane.

2661 "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS."

Introduced by: Representatives Yamane and Herkes.

2662 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSE."

Introduced by: Representatives Evans and McKelvey.

2663 "A BILL FOR AN ACT RELATING TO KAMILO NUI VALLEY."

Introduced by: Representatives Ward, Cabanilla, Ching, Pine, Awana, Berg, Bertram, Brower, Evans, Finnegan, C. Lee, M. Lee, Manahan, Marumoto, Mizuno, Nakashima, Nishimoto and Wakai.

2664 "A BILL FOR AN ACT RELATING TO SHARK FEEDING."

Introduced by: Representatives Ward, Awana, Cabanilla, Ching, Manahan, Mizuno, Bertram, Keith-Agaran, C. Lee, M. Lee, Marumoto, Nakashima, Pine, Souki and Yamashita.

2665 "A BILL FOR AN ACT RELATING TO DEFERRED COMPENSATION PLANS."

Introduced by: Representatives Ward, by request, Cabanilla, Ching, Pine, Brower, Evans, M. Lee and Souki.

2666 "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION."

Introduced by: Representatives Ward, by request, Brower, Evans, C. Lee, M. Lee, Magaoay and Pine.

2667 "A BILL FOR AN ACT RELATING TO FERRIES."

Introduced by: Representatives Souki, Awana and Say.

2668 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTEENTH, FIFTEENTH, AND SIXTEENTH REPRESENTATIVE DISTRICTS."

Introduced by: Representatives Tokioka, Morita and Sagum.

2669 "A BILL FOR AN ACT RELATING TO WALU."

Introduced by: Representatives Tokioka, Har and Ito.

2670 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Takai and Chang.

2671 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representatives Cabanilla, Mizuno, Shimabukuro and Bertram.

2672 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representatives Carroll, Bertram, Hanohano, C. Lee and Morita.

2673 "A BILL FOR AN ACT RELATING TO TARO."

Introduced by: Representatives Carroll, Bertram, Hanohano, C. Lee, Nakashima, Aquino and Brower.

2674 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Bertram, Hanohano, C. Lee, Aquino and Nakashima.

2675 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representatives Carroll, Bertram, Brower, Hanohano, C. Lee, Aquino and Nakashima.

2676 "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION."

Introduced by: Representatives Carroll, Bertram, Brower, Hanohano, C. Lee, Morita, Aquino and Nakashima.

2677 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives M. Lee, Har, Ito, Takai, Takumi, Yamane and Manahan.

2678 "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY."

Introduced by: Representatives M. Lee, Evans, Manahan, Yamane, Sagum and Yamashita.

2679 "A BILL FOR AN ACT RELATING TO HYBRID BICYCLES."

Introduced by: Representative Chong.

2680 "A BILL FOR AN ACT RELATING TO CLEAN AND SOBER AND HALFWAY HOME REGULATION."

Introduced by: Representatives Chong, Har and Ito.

2681 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, Aquino, Chang, Ito, Manahan, Tokioka, Tsuji and Yamashita.

2682 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative C. Lee.

2683 "A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITY ON PUBLIC LANDS."

Introduced by: Representative C. Lee.

2684 "A BILL FOR AN ACT RELATING TO REGULATORY PROCESSES."

Introduced by: Representative C. Lee.

2685 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII BUDGET."

Introduced by: Representative Takai.

2686 "A BILL FOR AN ACT RELATING TO MOORING RATE INCREASES."

Introduced by: Representatives Coffman, Evans and McKelvey.

2687 "A BILL FOR AN ACT RELATING TO THE BOATING SPECIAL FUND."

Introduced by: Representatives Coffman, Evans and McKelvey.

2688 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative M. Oshiro.

2689 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS."

Introduced by: Representative M. Oshiro.

2690 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representative M. Oshiro.

2691 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Representative Karamatsu.

2692 "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING."

Introduced by: Representatives Awana, Cabanilla, Chang, Hanohano, Karamatsu, Shimabukuro, Aquino, Bertram, Brower, Magaoay, Sagum and Souki.

2693 "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS."

Introduced by: Representatives Awana, McKelvey, Bertram, Brower, Cabanilla, Choy, Hanohano, Herkes, Magaoay and Souki.

2694 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE BUDGET SHORTFALL."

Introduced by: Representative Mizuno.

2695 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR GENERAL ASSISTANCE."

Introduced by: Representatives Mizuno and Brower.

2696 "A BILL FOR AN ACT RELATING TO PHYSICIAN SHORTAGE."

Introduced by: Representative Mizuno.

2697 "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DAY."

Introduced by: Representatives Mizuno, Chong and Manahan.

2698 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."

Introduced by: Representatives Yamashita, Awana, Carroll, Chong, Coffman, Herkes, Keith-Agaran, Manahan, McKelvey, Mizuno, Morita, B. Oshiro, Tsuji, Wakai, Yamane and Say.

2699 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Yamashita, Awana, Carroll, Chang, Chong, Har, Ito, Keith-Agaran, Manahan, Mizuno, Morita, Say, Tokioka, Tsuji, Yamane and Karamatsu.

2700 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Yamashita, Awana, Carroll, Chong, Keith-Agaran, Manahan, Mizuno, Morita, Tokioka, Tsuji, Wakai and Yamane.

2701 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Yamashita, Chang, Chong, Herkes and Yamane.

2702 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Yamashita, Awana, Chang, Chong, Tsuji and Yamane.

2703 "A BILL FOR AN ACT RELATING TO DAMAGE TO A PLACE OF BURIAL."

Introduced by: Representatives Berg, Aquino, Awana, Belatti, Bertram, Chang, Coffman, Hanohano, Keith-Agaran, C. Lee, Luke, McKelvey, Morita, Nakashima, Rhoads, Saiki, Tsuji and Sagum.

2704 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Berg, Belatti, Bertram, Coffman, Hanohano, C. Lee, Luke, McKelvey, Morita, Nakashima, Aquino, Awana, Sagum, Saiki and Tsuji.

2705 "A BILL FOR AN ACT RELATING TO SHARKS."

Introduced by: Representatives Berg, Bertram, Hanohano, C. Lee, Luke, Morita and Saiki.

2706 "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT."

Introduced by: Representatives Aquino and Herkes.

2707 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Aquino.

2708 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Aquino, Awana, Hanohano, Keith-Agaran, M. Lee, Manahan, Nakashima, Souki, Takumi, Wooley, Yamashita and Saiki.

2709 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative Aquino, by request.

2710 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representatives Aquino, Hanohano, Keith-Agaran, Manahan, Nakashima, Souki, Takumi, Yamashita and Saiki.

2711 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Aquino and Nakashima.

2712 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Bertram and McKelvey.

2713 "A BILL FOR AN ACT RELATING TO EXCISE TAXES."

Introduced by: Representatives Bertram, McKelvey and Yamashita.

2714 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SECOND REPRESENTATIVE DISTRICT."

Introduced by: Representative Saiki.

2715 "A BILL FOR AN ACT RELATING TO PISCARY RIGHTS."

Introduced by: Representatives Hanohano and Carroll.

2716 "A BILL FOR AN ACT RELATING TO STATE AGENCIES."

Introduced by: Representatives Hanohano and Carroll.

2717 "A BILL FOR AN ACT RELATING TO FUNDS."

Introduced by: Representatives Choy and McKelvey.

2718 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."

Introduced by: Representative Wooley.

2719 "A BILL FOR AN ACT RELATING TO STATE PARKS."

Introduced by: Representative Wooley.

2720 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Wooley and Shimabukuro.

2721 "A BILL FOR AN ACT RELATING TO COURT REPORTERS."

Introduced by: Representative Karamatsu.

2722 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Karamatsu.

2723 "A BILL FOR AN ACT RELATING TO FOOD SAFETY."

Introduced by: Representative Karamatsu.

2724 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER."

Introduced by: Representative Karamatsu.

2725 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Representative Karamatsu.

2726 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives B. Oshiro, Morita and Souki.

2727 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION."

Introduced by: Representative Takai.

2728 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representatives M. Lee and Yamane.

2729 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Souki and Tsuji.

2730 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2731 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."

Introduced by: Representative Say, by request.

2732 "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS."

Introduced by: Representatives Say, by request, and Bertram, by request.

2733 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."

Introduced by: Representatives Say, by request, and Nishimoto, by request.

2734 "A BILL FOR AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL SELECTION COMMISSION."

Introduced by: Representative Say, by request.

2735 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives Say and McKelvey.

2736 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives Say and McKelvey.

2737 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS."

Introduced by: Representatives Say and Ito.

2738 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representatives Say and Ito.

2739 "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS."

Introduced by: Representatives Say and Ito.

2740 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representative Say.

2741 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Representatives Coffman and McKelvey.

2742 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Representative Coffman.

2743 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Hanohano and McKelvey.

2744 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."

Introduced by: Representative McKelvey.

2745 "A BILL FOR AN ACT RELATING TO NATURAL ENERGY LABORATORY OF HAWAII."

Introduced by: Representative McKelvey.

2746 "A BILL FOR AN ACT RELATING TO BUSINESS."

Introduced by: Representative McKelvey.

2747 "A BILL FOR AN ACT RELATING TO CAPITAL FORMATION."

Introduced by: Representative McKelvey.

2748 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative McKelvey.

2749 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Takumi.

2750 "A BILL FOR AN ACT RELATING TO CORPORATE TRANSPARENCY."

Introduced by: Representative Takumi.

2751 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Cabanilla, Aquino, Awana and M. Lee.

2752 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representative Say.

2753 "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING."

Introduced by: Representatives Finnegan and Pine.

2754 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Finnegan.

2755 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Finnegan.

2756 "A BILL FOR AN ACT RELATING TO PENSIONS."

Introduced by: Representatives Finnegan and Marumoto.

2757 "A BILL FOR AN ACT RELATING TO SALARIES."

Introduced by: Representatives Finnegan and Thielen.

2758 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Carroll, Evans, Hanohano, Mizuno, Morita, Shimabukuro, Takai, Cabanilla and Chang.

2759 "A BILL FOR AN ACT RELATING TO GAMING."

Introduced by: Representatives Carroll, Hanohano, Shimabukuro, Cabanilla and Chang.

2760 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."

Introduced by: Representatives Carroll, Chang, Evans, Hanohano, Mizuno, Shimabukuro, Takai, Morita and Wakai.

2761 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representatives Carroll, Cabanilla, Hanohano, Shimabukuro, Chang and Evans.

2762 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representatives Carroll, Belatti, Hanohano, Herkes, Nakashima, B. Oshiro, Chang and Yamashita.

2763 "A BILL FOR AN ACT RELATING TO ELECTRONIC HEALTH RECORDS."

Introduced by: Representatives Chang, Hanohano, Keith-Agaran, M. Lee, Manahan, Nakashima, Sagum, Bertram, Chong, Choy and Rhoads.

2764 "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS CONTESTS."

Introduced by: Representatives Chang, Hanohano, Manahan, Bertram, Chong, Karamatsu, M. Lee, Nakashima and Sagum.

2765 "A BILL FOR AN ACT RELATING TO THE CREATION OF A PILOT PROJECT FOR AN OCEAN MASTER PLAN."

Introduced by: Representatives Ward, Marumoto, Pine, Evans, Keith-Agaran, M. Lee, Magaoay, McKelvey, Nishimoto, Takumi and Wakai.

2766 "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE."

Introduced by: Representatives C. Lee, Coffman, Wakai and Wooley.

2767 "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES."

Introduced by: Representatives C. Lee, Morita, Coffman, Wakai and Wooley.

2768 "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY."

Introduced by: Representatives C. Lee, Wakai and Wooley.

2769 "A BILL FOR AN ACT RELATING TO PHYSICIANS."

Introduced by: Representative C. Lee.

2770 "A BILL FOR AN ACT RELATING TO CIVIL IDENTIFICATION."

Introduced by: Representative C. Lee.

2771 "A BILL FOR AN ACT RELATING TO DEPARTMENTAL AUDITS."

Introduced by: Representative Tokioka.

2772 "A BILL FOR AN ACT RELATING TO COMPUTERS."

Introduced by: Representative Tokioka.

2773 "A BILL FOR AN ACT RELATING TO TECHNOLOGY."

Introduced by: Representative Tokioka.

2774 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representative Chong.

2775 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Chong, Tsuji, Wooley, Yamane and Yamashita.

2776 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION."

Introduced by: Representatives Chong, and M. Oshiro.

2777 "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS."

Introduced by: Representatives Chong, Chang, Ito, McKelvey, Tsuji, Yamane, Yamashita, Aquino, Keith-Agaran, Sagum and Tokioka.

2778 "A BILL FOR AN ACT RELATING TO ENFORCEMENT."

Introduced by: Representatives Chong and Manahan.

2779 "A BILL FOR AN ACT RELATING TO STATE LEASES."

Introduced by: Representatives Tsuji, Chang, Chong, Sagum, Say, Yamane, Yamashita, Herkes and Wakai.

2780 "A BILL FOR AN ACT RELATING TO DRY BULK FREIGHT."

Introduced by: Representative Tsuji, by request.

2781 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representative Tsuji, by request.

2782 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-NINTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Manahan.

2783 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representatives Manahan, Hanohano, Mizuno, Tokioka and Yamane.

2784 "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT."

Introduced by: Representatives Manahan, Aquino, Belatti, Har, Herkes, Ito, Keith-Agaran, M. Lee, Mizuno, M. Oshiro, Souki, Tsuji, Yamane and Wakai.

2785 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."

Introduced by: Representatives Manahan, Aquino, Awana, Keith-Agaran, M. Lee, Mizuno, Nakashima, Pine, Souki and Takumi.

2786 "A BILL FOR AN ACT RELATING TO REVENUE FOR DEPARTMENT OF EDUCATION BUDGETED EXPENSES."

Introduced by: Representatives Manahan, Mizuno, Yamane, Aquino, Cabanilla, Har and Takumi.

2787 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTIETH REPRESENTATIVE DISTRICT."

Introduced by: Representative Har.

2788 "A BILL FOR AN ACT RELATING TO ZIPPER LANES."

Introduced by: Representatives Har, Aquino and M. Lee.

2789 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Har, Ito, M. Lee, B. Oshiro, Takai, Takumi and Yamane.

2790 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Har, Aquino, Ito, M. Lee, B. Oshiro, Takai and Takumi.

2791 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Har, Ito, M. Lee, Takai, Takumi, Aquino, and B. Oshiro.

2792 "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES."

Introduced by: Representatives Morita and Coffman.

2793 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Pine, Brower, Evans and Bertram.

2794 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Wooley, Shimabukuro, Ito, Takumi and Tsuji.

2795 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Representatives Mizuno and Yamane.

2796 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS."

Introduced by: Representatives Mizuno, Manahan and Yamane.

2797 "A BILL FOR AN ACT RELATING TO OPERATING A VEHICLE WHILE INTOXICATED."

Introduced by: Representatives Mizuno and Souki.

2798 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD."

Introduced by: Representative Mizuno.

2799 "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES."

Introduced by: Representatives Mizuno, Brower, Manahan, Pine, Aquino, Bertram, Coffman, Keith-Agaran, M. Lee, Sagum, Wakai and Yamane.

2800 "A BILL FOR AN ACT RELATING TO CONSERVATION."

Introduced by: Representative Karamatsu.

2801 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS."

Introduced by: Representatives Yamane, Bertram, Chang, Coffman, Evans, Hanohano, Herkes, Keith-Agaran, McKelvey, Morita, Nakashima, Sagum, Souki, Tokioka, Tsuji and Yamashita.

2802 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO HEALTH."

Introduced by: Representatives Yamane, Chang, Coffman, Evans, Hanohano, Herkes, Keith-Agaran, McKelvey, Morita, Nakashima, Sagum, Souki, Tokioka, Tsuji, Yamashita and Bertram.

2803 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-SEVENTH REPRESENTATIVE DISTRICT."

Introduced by: Representatives Yamane and M. Lee.

2804 "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."

Introduced by: Representatives Yamane, Brower, M. Lee and Mizuno.

2805 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES."

Introduced by: Representative Evans.

2806 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representative M. Oshiro.

2807 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 3, OF THE HAWAII CONSTITUTION, TO REMOVE THE POWER OF THE BOARD OF EDUCATION TO APPOINT THE SUPERINTENDENT OF EDUCATION, TO ENABLE THE GOVERNOR TO APPOINT THE SUPERINTENDENT AS PROVIDED BY LAW."

Introduced by: Representative M. Oshiro.

2808 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative M. Oshiro.

2809 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION TO AN APPOINTED BOARD."

Introduced by: Representative M. Oshiro.

2810 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Representative M. Oshiro.

2811 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Brower.

2812 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Brower, Cabanilla, C. Lee, Manahan, Mizuno, Takai, Belatti, Coffman, Karamatsu, McKelvey, Nakashima, Nishimoto, Saiki and Takumi.

2813 "A BILL FOR AN ACT RELATING TO GYNECOLOGY."

Introduced by: Representatives Brower, Evans, C. Lee, Manahan, Mizuno, Takai, Berg, Bertram, Cabanilla, Coffman, Finnegan, Luke, Magaoay, McKelvey, Morita, Nakashima, Shimabukuro, Souki, Wakai and Yamane.

2814 "A BILL FOR AN ACT RELATING TO TEACHERS."

Introduced by: Representative Brower.

2815 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Brower, Cabanilla, Evans, Hanohano, C. Lee, Manahan, Pine, Rhoads, Takai, Belatti, Bertram, Chong, Coffman, Karamatsu, Nakashima, Souki, Takumi and Yamashita.

2816 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FOURTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Awana.

2817 "A BILL FOR AN ACT RELATING TO ART."

Introduced by: Representatives Awana, Cabanilla, Chang, Herkes, Bertram, Brower, Choy, Hanohano, Magaoay, Nakashima, Rhoads, Souki and Wakai.

[Note: The following bills were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

2818 "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS."

Introduced by: Representatives Bertram, Carroll, Hanohano and Thielen.

2819 "A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES."

Introduced by: Representatives Bertram, Belatti and Herkes.

2820 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT."

Introduced by: Representative Bertram.

2821 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE ELEVENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Bertram.

2822 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives Bertram and McKelvey.

2823 "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES."

Introduced by: Representatives Aquino, Awana, Hanohano, M. Lee, Nakashima, Sagum, Takumi and Souki.

2824 "A BILL FOR AN ACT RELATING TO DISTRESSED PROPERTY."

Introduced by: Representative Saiki.

2825 "A BILL FOR AN ACT RELATING TO BUILDING PERMITS."

Introduced by: Representatives Wakai, Brower, Cabanilla, Chong, Finnegan, Mizuno, Aquino, Awana, Belatti, Chang, M. Lee, Morita, Nakashima, Sagum and Takumi.

2826 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Wakai, Morita, Ward, Chang, Nakashima, Nishimoto and Sagum.

2827 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."

Introduced by: Representatives Wakai, C. Lee, Aquino, Awana, Bertram, M. Lee, Mizuno, Morita, Nakashima, Sagum and Takumi.

2828 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."

Introduced by: Representatives Wakai, Awana, Brower, McKelvey and Nishimoto.

2829 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Nishimoto, Belatti, Brower, Carroll, Mizuno, Shimabukuro, Yamane and Bertram.

2830 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives Brower, Hanohano, C. Lee, Bertram, Chang, Keith-Agaran, M. Lee, Nakashima, Saiki, Takumi and Yamane.

2831 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Representative Evans.

2832 "A BILL FOR AN ACT RELATING TO TARO SECURITY."

Introduced by: Representative Wooley.

2833 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Chang, Evans, Hanohano, Herkes, Ito, Nakashima and Tsuji.

2834 "A BILL FOR AN ACT RELATING TO CONTRACTORS LICENSES."

Introduced by: Representative Rhoads.

2835 "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES."

Introduced by: Representatives Rhoads, Hanohano, Herkes, Nishimoto and Ito.

2836 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Rhoads.

2837 "A BILL FOR AN ACT RELATING TO TARO."

Introduced by: Representative Wooley.

2838 "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES."

Introduced by: Representative M. Lee.

2839 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Berg.

2840 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Berg, Belatti, Carroll, Hanohano and McKelvey.

2841 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Representative Berg.

2842 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2843 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representative Say.

2844 "A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY."

Introduced by: Representative Say.

2845 "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE."

Introduced by: Representative Say, by request.

2846 "A BILL FOR AN ACT RELATING TO KAKAAKO."

Introduced by: Representative Say, by request.

2847 "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS."

Introduced by: Representatives Say, by request, and Bertram, by request.

2848 "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES."

Introduced by: Representative Say, by request.

2849 "A BILL FOR AN ACT RELATING TO KAKAAKO."

Introduced by: Representative Say.

2850 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."

Introduced by: Representative Say.

2851 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Say.

2852 "A BILL FOR AN ACT RELATING TO THE INSURANCE PREMIUM TAX."

Introduced by: Representative Say.

2853 "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX."

Introduced by: Representative Say.

2854 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2855 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representative Say.

2856 "A BILL FOR AN ACT RELATING TO NEW PUBLIC EMPLOYEES."

Introduced by: Representative Say.

2857 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."

Introduced by: Representative Say.

2858 "A BILL FOR AN ACT RELATING TO FURLOUGHS."

Introduced by: Representative Say.

2859 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2860 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2861 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2862 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2863 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

2864 "A BILL FOR AN ACT RELATING TO THE HEALTH FUND."

Introduced by: Representative Say.

2865 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say.

2866 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2867 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2868 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2869 "A BILL FOR AN ACT RELATING TO TAX DEDUCTIONS."

Introduced by: Representative Say.

2870 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2871 "A BILL FOR AN ACT RELATING TO A SURTAX."

Introduced by: Representative Say.

2872 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2873 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Say.

2874 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Say.

2875 "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RESERVE TRUST FUND."

Introduced by: Representative Say.

2876 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2877 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2878 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2879 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Representative Say.

2880 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2881 "A BILL FOR AN ACT RELATING TO INSURANCE TAXATION."

Introduced by: Representative Say.

2882 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2883 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2884 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2885 "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX."

Introduced by: Representative Say.

2886 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."

Introduced by: Representative Say.

2887 "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT MONEYS."

Introduced by: Representative Say.

2888 "A BILL FOR AN ACT RELATING TO STATE FEES."

Introduced by: Representative Say.

2889 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representative Say.

2890 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say.

2891 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES' VACATION."

Introduced by: Representative Say.

2892 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representative Say.

2893 "A BILL FOR AN ACT RELATING TO STATE EMPLOYEES."

Introduced by: Representatives Say and Coffman.

2894 "A BILL FOR AN ACT RELATING TO FRINGE BENEFIT CONTRIBUTIONS."

Introduced by: Representative Say.

2895 "A BILL FOR AN ACT RELATING TO FORECLOSURE."

Introduced by: Representatives Shimabukuro, Brower, Cabanilla, Chang, Mizuno, Morita, Wooley, Chong, Coffman, Har, Ito, and B. Oshiro.

2896 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Herkes.

2897 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representatives Magaoay, Aquino, Chang, Chong, Evans, Hanohano, Herkes, Ito, Keith-Agaran, M. Lee, Mizuno, Morita, Nakashima, Nishimoto, Sagum, Say, Souki, Wooley and Rhoads.

2898 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representatives Magaoay, Hanohano, M. Lee, Rhoads, Keith-Agaran, Morita, Sagum, Say and Takumi.

2899 "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES."

Introduced by: Representatives Magaoay, Aquino, Awana, Hanohano, Manahan, McKelvey, Nakashima, Takai, Choy, Evans, Herkes, Keith-Agaran, Saiki, Souki, Tsuji and Yamashita.

2900 "A BILL FOR AN ACT RELATING TO SHARK TOURS."

Introduced by: Representative Magaoay.

2901 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representatives Magaoay, Ito, Mizuno, Say, Herkes and Souki.

2902 "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION."

Introduced by: Representative Tokioka.

2903 "A BILL FOR AN ACT RELATING TO SOLAR ENERGY."

Introduced by: Representatives Yamashita, Chang, Chong, Har, Ito, Karamatsu, Keith-Agaran, Manahan, McKelvey, B. Oshiro, Sagum, Say, Souki, Tokioka, Tsuji, Yamane and Cabanilla.

2904 "A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS."

Introduced by: Representatives Yamashita, Awana, Chang, Chong, Har, Herkes, Ito, Manahan, B. Oshiro, Sagum, Say, Souki, Tsuji, Yamane and Karamatsu.

2905 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Yamashita, Cabanilla, Chang, Chong, Ito, Keith-Agaran, Manahan, McKelvey, Morita, B. Oshiro, Sagum, Say, Souki, Tokioka, Tsuji, Yamane and Har.

2906 "A BILL FOR AN ACT RELATING TO PSYCHOLOGICAL TESTING."

Introduced by: Representatives Yamashita, Aquino, Brower, Hanohano, M. Lee, Manahan, B. Oshiro, Shimabukuro, Belatti, Chang, Chong, Har, Herkes, Ito, Magaoay, McKelvey, Nakashima, Rhoads, Sagum, Say, Takumi, Tsuji and Wakai.

2907 "A BILL FOR AN ACT RELATING TO THE STATE PARK SYSTEM."

Introduced by: Representatives Marumoto, Har and Ito.

2908 "A BILL FOR AN ACT RELATING TO IMPEACHMENT."

Introduced by: Representative Saiki.

2909 "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS."

Introduced by: Representative Takai.

2910 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representative Takai, by request.

2911 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Representative Finnegan.

2912 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Representative Finnegan.

2913 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Morita and Tsuji.

2914 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Representatives McKelvey, Mizuno and Choy.

2915 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Coffman.

2916 "A BILL FOR AN ACT RELATING TO COFFEE."

Introduced by: Representative Coffman.

2917 "A BILL FOR AN ACT RELATING TO NUISANCES."

Introduced by: Representatives Manahan and Yamane.

2918 "A BILL FOR AN ACT RELATING TO KAKAAKO COMMUNITY DEVELOPMENT DISTRICT."

Introduced by: Representatives Manahan and McKelvey.

2919 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representatives Manahan and Rhoads.

2920 "A BILL FOR AN ACT RELATING TO LAND COURT."

Introduced by: Representative Ito, by request.

2921 "A BILL FOR AN ACT RELATING TO LICENSING."

Introduced by: Representatives Ito and Har.

2922 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representative Ito.

2923 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representative Ito.

2924 "A BILL FOR AN ACT RELATING TO SCHOOL TEACHERS."

Introduced by: Representative Keith-Agaran.

2925 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Representative Keith-Agaran.

2926 "A BILL FOR AN ACT RELATING TO SOLAR ENERGY."

Introduced by: Representative Keith-Agaran.

2927 "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE."

Introduced by: Representative Keith-Agaran.

2928 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Saiki, Berg and Luke.

2929 "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE."

Introduced by: Representative B. Oshiro.

2930 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Representatives Pine, Ching, Evans, Hanohano, C. Lee, Manahan, Marumoto, McKelvey, Mizuno, Thielen, Aquino, Berg, Keith-Agaran, M. Lee, Nishimoto, Sagum, Souki, Takumi, Wakai and Yamashita.

2931 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Representatives Pine, Brower, Ching, Evans, Hanohano, McKelvey, Nishimoto, Aquino, Bertram, Keith-Agaran, M. Lee, Sagum and Wakai.

2932 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Pine, Evans, Hanohano, Aquino, Bertram, Brower, Sagum and Wakai.

2933 "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION."

Introduced by: Representatives Pine and Evans.

2934 "A BILL FOR AN ACT RELATING TO USED MOTOR VEHICLE SALES."

Introduced by: Representative Cabanilla.

2935 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."

Introduced by: Representative Takumi.

2936 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS."

Introduced by: Representative Takumi.

2937 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representative Takumi.

2938 "A BILL FOR AN ACT RELATING TO WORKPLACE SAFETY."

Introduced by: Representative Karamatsu.

2939 "A BILL FOR AN ACT RELATING TO THE LONG TERM CARE COMMISSION."

Introduced by: Representative Karamatsu.

2940 "A BILL FOR AN ACT RELATING TO WORKPLACE SAFETY."

Introduced by: Representative Karamatsu.

2941 "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS."

Introduced by: Representative Karamatsu.

2942 "A BILL FOR AN ACT RELATING TO URBAN DEVELOPMENT."

Introduced by: Representative Karamatsu.

2943 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-NINTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Chong.

2944 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representatives Chong, Awana, McKelvey, Yamashita and Choy.

2945 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representatives Chong, Chang, Manahan, McKelvey, B. Oshiro, Sagum, Say, Tokioka, Tsuji, Yamane, Yamashita and Choy.

2946 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Nakashima.

2947 "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE."

Introduced by: Representative Tsuji, by request.

2948 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Aquino, Coffman, Mizuno, Nakashima, Tokioka, Wooley, Yamane, Yamashita and Ito.

2949 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representatives Tsuji, Aquino, Chang, Chong, Choy, Coffman, Herkes, Mizuno, Morita, Nakashima, Pine, Tokioka, Wooley, Yamane, Yamashita, Ito, Karamatsu, Marumoto and Wakai,

2950 "A BILL FOR AN ACT RELATING TO ELECTRICIANS."

Introduced by: Representative Awana, by request.

2951 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Ching, Finnegan, Hanohano, C. Lee, Marumoto, McKelvey, Pine, Takai, Ward, Bertram, Brower, Keith-Agaran, M. Lee, Magaoay, Mizuno, Nakashima, Nishimoto, Wakai and Yamashita.

2952 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representatives Ching, Brower, Hanohano, C. Lee, Marumoto, Takai, Ward, Belatti, Berg, Bertram, Chang, Choy, Har, Keith-Agaran, M. Lee, Magaoay, McKelvey, Morita, Nakashima, Nishimoto, Pine, Sagum, Takumi and Wakai.

2953 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Ching, Marumoto, Pine, Takai, Ward, Bertram, Brower, Finnegan, C. Lee, M. Lee, McKelvey, Mizuno, Morita and Wakai.

2954 "A BILL FOR AN ACT RELATING TO LOBBYISTS."

Introduced by: Representatives Ching, Belatti, Berg, Bertram, Marumoto, Morita and Pine.

2955 "A BILL FOR AN ACT RELATING TO LOBBYISTS."

Introduced by: Representatives Ching, Pine, Takai, Belatti, Berg, Bertram, Marumoto and Morita.

2956 "A BILL FOR AN ACT RELATING TO ACUPUNCTURE PRACTITIONERS."

Introduced by: Representatives Carroll, Hanohano, McKelvey, Morita and Shimabukuro.

2957 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."

Introduced by: Representatives Carroll, Berg, Hanohano, McKelvey, Shimabukuro, Wooley and Morita.

2958 "A BILL FOR AN ACT RELATING TO MARICULTURE."

Introduced by: Representatives Carroll, Hanohano, Morita, Berg, McKelvey, Shimabukuro and Wooley.

2959 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Carroll, Awana, Hanohano, C. Lee, Shimabukuro, Berg, Cabanilla, McKelvey, Morita, B. Oshiro and Wooley.

2960 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."

Introduced by: Representative M. Oshiro.

2961 "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION."

Introduced by: Representative M. Oshiro.

2962 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Oshiro.

2963 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FROM THE EMERGENCY AND BUDGET RESERVE FUND FOR EDUCATION."

Introduced by: Representatives M. Oshiro, Awana, Berg, Bertram, Brower, Carroll, Chong, Coffman, Hanohano, Herkes, Ito, C. Lee, M. Lee, Manahan, McKelvey, Mizuno, Morita, Nakashima, B. Oshiro, Sagum, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamashita, Aquino, Chang, Evans, Rhoads and Yamane.

2964 "A BILL FOR AN ACT RELATING TO SALARIES."

Introduced by: Representative M. Oshiro.

2965 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE."

Introduced by: Representatives Belatti, Bertram, Coffman, C. Lee, Shimabukuro and Wooley.

2966 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Belatti.

2967 "A BILL FOR AN ACT RELATING TO SALARIES."

Introduced by: Representatives Belatti, Berg, C. Lee, Luke and Nakashima.

2968 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Belatti.

2969 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."

Introduced by: Representative Belatti.

2970 "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY."

Introduced by: Representative Tokioka, by request.

2971 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITY SITING PROCESS."

Introduced by: Representatives Carroll, Hanohano, Morita, Shimabukuro, Berg, McKelvey and Wooley.

2972 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Carroll, Hanohano, McKelvey, Shimabukuro, Karamatsu, Morita and Wooley.

2973 "A BILL FOR AN ACT RELATING TO TARO LANDS."

Introduced by: Representatives Carroll, Berg, Hanohano, McKelvey, Morita, Shimabukuro and Wooley.

2974 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Representatives Carroll, Hanohano and McKelvey.

2975 "A BILL FOR AN ACT RELATING TO KALAUPAPA."

Introduced by: Representatives Carroll, Hanohano, Shimabukuro, Berg, McKelvey and Wooley.

2976 "A BILL FOR AN ACT RELATING TO THE INTERDEPARTMENTAL COUNCIL ON EARLY CHILDHOOD EDUCATION."

Introduced by: Representatives Mizuno, Brower, Manahan and Yamane.

2977 "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT."

Introduced by: Representatives Mizuno, Brower and Yamane.

2978 "A BILL FOR AN ACT RELATING TO CARE HOMES."

Introduced by: Representative Mizuno.

2979 "A BILL FOR AN ACT RELATING TO POWERS OF ATTORNEY."

Introduced by: Representatives Mizuno, Evans, Manahan, B. Oshiro, Pine, Tsuji, Yamashita and Yamane.

2980 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTY-FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative C. Lee.

2981 "A BILL FOR AN ACT RELATING TO SERVICES FOR ADULTS WITH SPECIAL NEEDS."

Introduced by: Representative C. Lee.

2982 "A BILL FOR AN ACT RELATING TO WARRANTS ISSUED BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES."

Introduced by: Representatives Brower, Manahan, Mizuno and Yamane.

2983 "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION."

Introduced by: Representatives Manahan, Mizuno and Yamane.

2984 "A BILL FOR AN ACT RELATING TO TAX CREDITS."

Introduced by: Representatives Yamashita, Chong, Har, Ito, McKelvey, Say and Tokioka.

2985 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTEENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Ward.

2986 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Ward, Awana, Bertram, Cabanilla, Evans, Marumoto, McKelvey and Nakashima.

2987 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative Ward.

2988 "A BILL FOR AN ACT RELATING TO BUSINESS."

Introduced by: Representatives Ward, Awana, Bertram, Evans and McKelvey.

2989 "A BILL FOR AN ACT RELATING TO BOATING."

Introduced by: Representatives Ward, Berg, Bertram, Cabanilla, Evans and Nakashima.

2990 "A BILL FOR AN ACT RELATING TO MEDICAID."

Introduced by: Representative Mizuno.

2991 "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE."

Introduced by: Representative Say.

2992 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW."

Introduced by: Representative Finnegan.

2993 "A BILL FOR AN ACT RELATING TO NONPOINT SOURCE POLLUTION."

Introduced by: Representative Finnegan.

2994 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Karamatsu.

At this time, Representative Evans moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving House Bills for introduction, seconded by Representative Pine and carried. (Representatives C. Lee, Luke and Thielen were excused.)

RECESS

At 11:47 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess subject to the call of the Chair, and in accordance with Senate Concurrent Resolution No. 1, met in Joint Session with the Senate to receive the Chief Justice's State of the Judiciary Address in the Senate Chambers.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010 was called to order at 12:11 o'clock p.m. by the Honorable Colleen Hanabusa, President of the Senate.

The Senate President then welcomed and recognized the following honored guests:

Mrs. Stella Moon, wife of the Chief Justice, who was presented a lei by Representative Michael Y. Magaoay;

Mrs. Mary Han, mother of the Chief Justice, who was presented a lei by Senator Shan Tsutsui;

Mr. Josh Wisch, representing United States Congresswoman Mazie Hirono;

Mrs. Jean Ariyoshi, wife of the Honorable George Ariyoshi, Former Governor of the State of Hawaii;

Former Chief Justice William S. Richardson;

The Honorable Todd Apo, Council Chair, City and County of Honolulu;

The Honorable Yoshihiko Kamo, Consul General of Japan;

The Honorable Bong Joo Kim, Consul General of the Republic of Korea;

The Honorable Leoncio Cardenas, Consul General of the Philippines;

The Honorable Jan Rumi, Honorary Consul of Morocco;

The Honorable John Henry Felix, Honorary Consul of Portugal and Spain; and

Honolulu Police Department Chief of Police, Louis Kealoha.

President Hanabusa then called upon Senators Brian T. Taniguchi, Gary Hooser and Fred Hemmings, and Representatives Jon Riki Karamatsu, Blake K. Oshiro and Lynn Finnegan to escort Chief Justice Ronald T.Y. Moon to the rostrum where he was presented lei by Senator Suzanne Chun Oakland and Representative Marilyn B. Lee.

President Hanabusa then called upon Mr. Danny Kaleikini who delivered a blessing as follows:

"*Aloha kakou āpau. Aloha. 'Ae, mai, mai, Komo mai.* Our great leaders from the State of Hawaii. *Nā 'ohana. Keiki o ka 'āina. Na ke Akua ho'opōmaika'i a e mahalo kākou. Akua* is god. *'Ohana*, family. *Aloha*, the breath of life and love we share with one another. *Aloha kekahi i kekahi*. Love one another. *E pule kākou*, let us pray.

'O kou aloha nō
Aia i ka lani
A 'o kou 'oia 'i'o
He hemolele ho'i
'Āmene.

Ho'onani ka makua mau
ke keiki me ka 'uhane nō
ke Akua mau ho'omaika'i pū
kō keia ao, kō kēlā ao
'Āmene.

"Na ka mea, Nou ke aupuni a me ka mana. A me ka ho'onani 'ia a mau loa aku. Aloha ke akua. God is love. *Mahalo akua.* We thank you for the blessing for today. We thank you for our great leaders from the State of Hawaii and the honorable Chief Justice, Ron Moon. *Mahalo nō kākou me ke aloha pumehana e pōhai ke aloha.* All this we ask in your name. Amen."

President Hanabusu then stated:

"Thank you. *Mahalo*, Mr. Kaleikini. Members, Chief Justice Roanld T.Y. Moon is the first Korean American to serve as Chief Justice in the United States. He is the 17th Chief Justice of the State of Hawaii and March 2010 will mark his 17th year as Chief Justice, making him the longest serving Chief Justice since Statehood.

"I want to share one point that I'm sure the Chief Justice will remember. During my first term when I sat where the Members are, listening to the first State of the Judiciary Address, I remember the Chief Justice's remark that his mother, Mrs. Han, told him to stand on one foot. And when the other foot drops, it is time to end his speech. I don't know if he remembers that, or it may have been one leg. One or the other. Anyway, when it drops he is to stop his speech. Members, it's not going to work this time, so be comfortable.

"Members of the 25th Legislature, ladies and gentlemen, please join me in extending our warmest aloha and welcome to the Chief Justice of the Hawaii Supreme Court, the Honorable Ronald T.Y. Moon."

President Hanabusa then presented to the Members of the Twenty-Fifth Legislature and the audience, the Chief Justice of the Hawaii Supreme Court, the Honorable Ronald T.Y. Moon.

The Chief Justice then addressed the Joint Session as follows:

"Thank you very much. I would like to say that after my first State of the Judiciary Address, after mom gave me that advice, I have been practicing and practicing and I can do it for more than two and a half hours. May I just introduce my family members on this stage, my son Scott and his wife Jill. Daughter Julie, daughter Jill, Aunt Ruth, and Aunt Violet. Thank you, very much.

"President Hanabusa, Speaker Say, distinguished Members of the Twenty-Fifth Legislature, former First Lady Mrs. Ariyoshi, former Chief Justice Richardson, fellow justices and judges, distinguished members of the federal bench, Judiciary and other State employees, members of the Bar, State Cabinet members, and members of other government agencies, my fellow members of the Wahiawa United Church of Christ, other special guests, family, friends – especially those from Korea – and fellow citizens: Aloha, *anyonghashimnika*, and good afternoon.

"As a privileged honorary member, I also extend greetings to the members of the Royal Order of King Kamehameha the First, the Consular Corps of Hawai'i, and the Wahiawa Tai Guk Club, as well as to those Chinese organizations which have bestowed upon me the status of honorary Chinese citizen.

"In 1997, I had the privilege and honor of being the first Chief Justice invited to deliver a State of the Judiciary Address to a Joint Session of the Legislature. Today, I stand before you with mixed emotions because, although I am looking forward to joining my fellow retired judges and other Judiciary employees at my neighborhood McDonald's in just 217 days, this is my last State of the Judiciary Address. I, therefore, thank you for this opportunity to share with you the accomplishments, as well as the challenges of the third branch of government.

"I also thank the many legislators, past and present, for their support of the Judiciary's various budget requests and proposals over the years, without which we could not have provided the many services and improved facilities that benefit the people of Hawai'i. Included among these are the Judiciary's four new courthouses: the Abner Paki Hale or Kane'ohe District Court Building that opened in March 2003; the Kaua'i Judiciary Complex or Pu'uhonua Kaulike ("Sanctuary of Justice") opened in September 2005; the Hilo Judiciary Complex or Hale Kaulike ("House of Justice") in March 2008; and, finally, the much-anticipated opening of

the Kapolei Court Complex, including its adjoining Juvenile Detention Facility.

"We greatly appreciate your continued support of the varied specialty courts and treatment programs, such as drug, mental health, teen, and girls courts, and the HOPE program. We also appreciate your approval of increases in the fee schedules for court-appointed attorneys for indigent criminal defendants, parental rights termination cases, and for guardians *ad litem*. Your steadfast support in these areas has allowed the Judiciary to provide many services that, unquestionably, have made significant and positive impacts on the lives of the beneficiaries of those services, including their families and their communities.

"The implementation of the various specialty courts and treatment programs within the Judiciary underscores how far we have evolved from the traditional core mission of judiciaries across the nation, which had been, simply, to adjudicate or resolve disputes before its courts. Over the last several decades, the role of state judiciaries has expanded. Many judiciaries and legislatures across the country have created an effective balance between traditional law enforcement and a problem-solving, restorative-approach that rebuilds lives and communities. As a result, the exercise of judicial power and the breadth of its application in today's modern judiciary has extended far beyond adjudication to include diversion programs in which rehabilitation and treatment go hand-in-hand. Unfortunately, budget cuts have resulted in fewer services being available, fewer clients being served, and a slow-down in admittance for treatment that could result in program goals not being realized. As the current budget issues continue to threaten the Judiciary's service-oriented structure, the fear that more cuts may force us to completely abandon the modern, service-oriented model.

"Because of our commitment to share in the responsibility of dealing with the State's budget deficit, the Judiciary, before the 2009 Legislative Session, imposed significant restrictions on the use of per diem judges, overtime, hiring, travel, purchase of service contracts, repairs and maintenance, and replacement of aging equipment. At the close of the 2009 Session, we experienced budget restrictions that included the elimination of 79 vacant, but essential, staff positions, a lump sum decrease in operating expenses, and a first-time-ever cut for Hawaii's justices and judges, for a total reduction of $11.5 million. Nevertheless, while in the process of balancing our budget post-session, we continued looking for ways to assist with the State's economic situation.

"As you know, the Judiciary's budget comprises just 2.6% of the State's total budget of $5.3 billion and about 71% of our appropriation is dedicated to payroll and personnel expenses. With less than 30% of our budget dedicated to operations, we recognized that any further operational cuts, over and above those already made, would be devastating. However, as I said, we believed it necessary to continue to explore every avenue in the hope of negating, or at least minimizing, any further reductions to our budget base this year. Consequently, since November 6 of last year, the Judiciary implemented a two-day-a-month furlough for all HGEA employees, resulting in an unprecedented, twice-a-month closure of all courts, statewide. The Judiciary anticipates that the savings, projected through the end of the current fiscal year, will amount to $4.8 million and, if continued at the current two-days-per-month schedule for fiscal year 2011, will yield another $7.6 million savings.

"Because the Judiciary has no control over its workload, the burden of doing the work with fewer financial resources, fewer people, and in fewer days, falls upon our Judiciary employees. I, therefore, take this opportunity to publicly thank all of our judges, administrators, and other Judiciary employees for the sacrifices they have made, their stamina in handling the increased workloads, and their steadfast commitment to continuing to serve the public. I also thank the members of the public for their patience and understanding, as they too must deal with longer wait-times caused by the semi-monthly court closures and overburdened court staff.

"As I stated earlier, we were compelled to impose significant cuts in order to balance our budget after the 2009 Session ended. For example, we cut more than $3 million from purchase of service, or POS, contracts. These contracts involve the purchase of assessment and/or treatment services for substance abuse, child sex abuse, and mental health, as well as provide emergency shelter services, juvenile client and family services, anger management and victim impact classes, and more. The significant reduction in the availability of these types of services is already impacting our specialty courts and treatment programs. We are concerned that any further reductions of services, or the elimination of these services altogether, will have serious consequences for our citizens in the form of increased domestic violence and other crimes, higher recidivism rates, prison and/or juvenile facility overcrowding, as well as increased concerns regarding public safety and delayed access to justice. Allow me to spend a few minutes on some specifics.

"Because of the 2009 budget cuts, the treatment capacity of Oahu's Adult Drug Court was reduced from 160 to 130 clients, leaving 30 defendants on a wait list and likely headed for prison. Adding just 30 people to the already over-crowded prison system at a cost of $139 a day each or $50,735 per defendant per year will result in an annual cost to the State of $1.5 million.

"From a cost-benefit perspective, consider the consequences of further cuts to our budget that could result in additional reductions to our treatment capacity or the closure of Oahu's Adult Drug Court altogether. Using the same formula and applying it to the 120 defendants currently enrolled in the program, the cost to the State – and more specifically, the Executive Branch – to incarcerate these defendants would be approximately $6 million a year, as compared to the total appropriation for the O'ahu Drug Court Program for FY2010 of approximately $877,000. More importantly, these potential costs to the State will multiply if further cuts mean closing our other adult drug courts on the Neighbor Islands, as well as our juvenile drug courts statewide, which would cost the State approximately $26.2 million, as compared to the entire FY2010 appropriation of $4.7 million for all of our drug court programs, including the family drug court, statewide.

"Clearly, diverting defendants to drug treatment through our various drug court programs has the potential of saving the State millions of dollars, especially when you consider that our statistics indicate that the average recidivism, or re-offense rate for adult drug court, statewide, ranges from 3.5 to 16%. Allow me to explain. The Bureau of Justice Statistics reports that over 50% of those released from prison will re-offend within three years. In other words, a majority of those incarcerated without the benefit of the Drug Court program will return to the courts and prisons, and each re-incarceration costs the State more money.

"Additionally, to graduate from drug court, clients must meet certain requirements, such as obtaining their "General Equivalency Diploma" or G.E.D., be in school or gainfully employed, have a place to live and some form of transportation. Graduates must also pay their court-ordered fines, fees and restitution. Thus, Drug Court graduates become productive and meaningful contributors, financially and otherwise, to our society. Clearly, without drug court intervention, the State loses revenues from the fines, fees and taxes that cannot be collected because the incarcerated-defendant is not gainfully employed. Moreover, incarceration shifts the cost of housing and subsistence from the defendants to the State, and, for the duration of their imprisonment, drains the limited resources we have.

"Similarly, costs to the State increase when probations are revoked. As you know, probationers are expected to follow the terms and conditions of their probation, such as staying drug free, staying arrest free, and keeping appointments with their probation officer. Probationers in the First Circuit have learned, through the Judiciary's Hawaii Opportunity Probation with Enforcement or HOPE program, that probation violations will not be tolerated. The program is premised on the philosophy of immediate and certain punishment for probation violations, usually involving a short jail term proportionate to the severity of the violation. Hawaii's HOPE program has gained national attention as a model program which has been adopted or is being considered in other states.

"Within six months of the program's inception in 2004, the rate of positive drug tests fell by 93% for HOPE probationers as compared with a fall of 14% for probationers in a comparison group as reported by researchers from Pepperdine University. Just this month, researchers reported that, quote, 'In a one-year, randomized controlled trial, HOPE

probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments with their supervisory officer, and 53 percent less likely to have their probation revoked.'

"Again, from a cost-benefit perspective, it makes sense to spend $1.82 per day to supervise a HOPE probationer as compared to $139 a day to incarcerate the same offender. Additionally, as with our Drug Court graduates, HOPE probationers remain in our community as productive and meaningful contributors to society.

"In the area of domestic violence, victims are sadly becoming victimized again; this time by the current economic crisis and an underfunded judicial system that is unable to satisfy the high demand for treatment and service programs that they desperately need. A bad economy means lack of jobs and money. Job layoffs or reduced income caused by reduction in work hours fuels existing tensions in the home over finances and increases the likelihood of violence. Experts agree that domestic violence is more than three times likely to occur when couples are experiencing high levels of financial strain.

"Consider, for example, statewide statistics regarding court protective orders. In FY2008, 4,532 filings for protective orders were received, just 27 more than the previous year. However, in FY2009, new filings increased by 563 or 12.4%, totaling 5,095 protective order requests. The impact has been felt by the Family Court judges handling these cases, one of whom reported hearing 18 temporary restraining order cases in one morning – the most he has handled in a single court session during his six-years on the bench in the first circuit. The most prevalent theme from the abuser's perspective was, "I lost my job," or "I lost my house or can't pay rent because I lost my job, and so I lost my temper."

"Domestic violence victims often have complex and difficult legal needs. They face a wide range of issues, such as loss of housing, medical care for injuries, lack of transportation, lack of counseling services, loss of wages, substance misuse, and more. The recent reduction in POS contracts has not only severely impaired the Judiciary's ability to provide services to domestic violence victims and perpetrators, but increasing the wait-time for batterers to receive treatment services from one to two weeks in the best case, and from two to five months in the worst case. This means that untreated batterers are living in our communities, jeopardizing the safety of their victims and the community in general. Further cuts will cripple the Judiciary's ability to provide these services in the future.

"In fact, domestic violence service providers in the Third Circuit on the Big Island believe that, because of the 40% reduction in their POS contract allocation, they will have a $75,000 deficit by May if they continue providing services at the current level. This means that the courts will be forced to limit court-ordered services, and there is a real chance that services for victims will not be available on the Big Island.

"Experts agree that children who grow up in a domestic violent environment do poorly in school, are being abused themselves, and have no sense of self-worth. By the time they reach adulthood, they've already been in trouble with the law, including being in and out of juvenile court and/or detention facilities, and soon find themselves in and out of prison. Thus, the cycle of violence is passed on from one generation to the next, including the costs to government. How can we break the cycle of violence and eliminate the attendant costs? The answer, I submit, lies in maintaining these programs and services through adequate funding.

"Unfortunately, court closures and increased workloads will continue to have a direct and severe impact on court operations and, in turn, on the members of the public. Trials will take longer and are already being set further down the road simply due to the shortened work week. Similarly, attorneys and parties are waiting longer for hearings and conferences to be scheduled. Such delays, although inevitable, can have unintended and, possibly, life-threatening consequences.

"Consider, for example, a situation in Family Court where the domino effect resulting from the loss of one position has increased the waiting period for an adoption hearing from 30 days to as long as six months. The waiting period began to enlarge when the vacant position could not be filled due to the hiring freeze. As a result, the duties of processing and scheduling final adoption hearings were transferred to a division that was already operating with two frozen staff positions. The delay, although understandable in the current economic environment, will become nearly intolerable, especially when an adopted child has special medical needs, and the adoptive parents can't enroll the child in their medical insurance plan until they provide the required final adoption papers. Such delays could result in serious consequences to the child's health and development, or worse, create possible life-threatening consequences.

"Similarly, the inadequate provision of services and diversion options to other children and youth in our Family Courts will have a devastating impact on their lives. Without early intervention, these children and youth will develop educational and behavioral problems, making it more likely that they will matriculate to the adult criminal justice system.

"In the past, I have spoken to you and your predecessors about the importance of judicial independence and have focused on "decisional independence," that is, the freedom of judges to render impartial decisions based solely on the evidence adduced in a specific case and the applicable rule of law, without influence, threats, or fear of reprisals. However, from an institutional perspective, we all recognize that the Judiciary is constitutionally dependent on the Legislature for funding. As such, I felt compelled to discuss the extremely negative effects that an underfunded Judiciary has on public safety and the administration of justice, including the shifting of increased economic costs to the Executive branch and the individuals served by the courts.

"The Judiciary is already at the stage where lack of resources is affecting public safety and the administration of justice. Program budget cuts, court closures due to furloughs, prior staff reductions, and hiring freezes have already affected employee workloads and increased the amount of time it takes to process cases and do the work that is necessary to the administration of justice.

"The cruel irony in these difficult economic times is that the demands on our courts intensify, and, unfortunately, no matter how much we are called upon to sacrifice in terms of court programs, salaries, benefits and the like, nothing compares to the devastating impact that the current situation has and will continue to have on our citizen's access to justice. But, let me share some positive news.

"As you may know, Hawaii's Girls Court is one of the first gender-specific, problem-solving courts in the United States. The program was built on the need to pay especially close attention to female juvenile offenders whose numbers in the criminal justice system have risen at a much faster pace than for boys. Gender-specific programming recognizes the fundamental differences between male and female juvenile offenders, as well as their different paths to delinquency. By building on their strengths, Girls Court clients avoid becoming involved in the criminal justice system as adult women, as victims of domestic violence, and as adult-mothers in child protective custody proceedings.

"Amongst Girls Court's many successes is the story of Anna, who at the age of 16 was referred to Girls Court in 2006. She had substance abuse and anger management problems; she was failing in school and ran away from home often. At first, Girls Court was an unwanted presence in Anna's life as she believed the presiding judge and staff simply wanted to control her life when all she wanted was to be left alone. Through intense and, sometimes, difficult individual, family and group therapy sessions, Anna began to trust enough to share her story.

"Anna's father died when she was nine-years old. The family was devastated and struggled with their grief. Anna's mother started abusing substances, and, eventually, the family became homeless, living on the beach. By age 15, Anna, along with her siblings, had been removed from her mother's care by child protective services. Almost immediately upon being placed in foster care, Anna started running away. On the streets, Anna was violated and physically victimized. She learned to fight, use drugs to numb her pain, and developed a rough-and-tough attitude.

"While with Girls Court, Anna's tenacity to survive continued to be her strength, and with the help of the Girls Court judge and staff, Anna and her

family were able to work through issues that had been causing them paralyzing emotional pain. She had the unconditional support of her mother, who herself had triumphed through overcoming her substance abuse problems and was clean and sober.

"Anna is now 20-years-old and continues to keep in touch with the staff at Girls Court. She has served as a speaker to girls entering the program, sharing her experiences and encouraging them to be open to the process of change. She is working full time as an assistant and activities coordinator in a residential program for adults with mental disabilities. She sees her work in this area as a potential career. She has certainly come a long way.

"It is, indeed, my pleasure to introduce to you Christianna Maglinti and her mother, Dawn. Will you two please stand. Thank you.

"Since 1995, the Judiciary has been working diligently to enhance access to justice for our linguistic minority court users. We firmly believe that, if the Judiciary is to be truly accessible to all, we must also be able to service the non-English speaking public, as well as those who have limited English proficiency. In the courtroom environment, we depend on court interpreters to assist us because justice surely cannot be served if, for example, a non-English speaking defendant says in his native language, "I was so mad I could have killed him," and the interpreter translates, "I was so mad, I killed him."

"Thanks to your support, I am pleased to report that, in 2006, the Judiciary implemented a Court Interpreter Certification Program to ensure that court users obtain properly qualified interpreters. In 2007, the program introduced and produced the first certified Ilocano court interpreter in the nation and currently has 168 certified interpreters in thirty different languages, including the high demand Pacific Island languages, such as Chuukese and Marshallese. Because the Judiciary is the only entity in the State that formally screens and tests interpreting skills, many non-judicial agencies and organizations have come to rely on the Judiciary's list of certified interpreters.

"We also appreciate the support received from the Legislature in 2004 through Act 202, and in 2006 via Act 145 that restructured our Appellate Court system. I am pleased to report that the new appellate process is working well and has yielded positive results. The movement of the procedural case processing tasks to the Intermediate Appellate Court has enabled the Supreme Court to resume oral arguments on a regular basis and to address issues of significant public importance, as well as publish a greater portion of its dispositions. Additionally, the age of cases has decreased from 347 days in June 2006, to 246 days in June 2009.

"I do extend my appreciation to my fellow justices and Supreme Court staff for their efforts in clearing the backlog of cases that were retained by the Supreme Court when Act 202 was implemented. I also extend a special thanks to the judges and staff of the Intermediate Court of Appeals for their assistance during the transition and for their continuing good work. Following your review of our formal report, which has been submitted, I am confident you will agree that the new system is working well and hope you will support our efforts to better serve the people of our State by making the current appellate court structure permanent.

"Additionally, despite the continuing reductions to our budget base over the past several years, we have made great strides in the technological arena. For example, in November 2007, we successfully implemented an electronic interface with a collection agency partner to refer and collect delinquent traffic fees and fines. Since the inception of the collection interface, the Judiciary has deposited more than $10 million into the State's general fund.

"Following the Legislature's direction to establish a task force to examine the State's bench warrant system, the Judiciary – working with the Hawai'i Information Consortium, the Department of Public Safety, the Honolulu Police Department, and others, piloted an electronic bench warrant project in the first circuit in March 2009. This e-bench warrant system allows the Judiciary to provide law enforcement agencies with updated and secure access to view and print traffic warrants via a web browser that were previously required to be physically retrieved.

"I extend our sincere appreciation to the many participants that helped the Judiciary make the e-bench warrant project a success. The pilot project has garnered such positive reviews that the Hawai'i Information Consortium and the Judiciary will be making the system available to police departments statewide and will expand the program to felony and misdemeanor warrants when those criminal case types are integrated into our statewide case management system, more commonly known as the Judiciary's Information Management System or JIMS.

"We are also looking forward to the implementation of electronic filing when the appellate and criminal case types are migrated to JIMS. If all goes well, we anticipate commencing e-filing in the appellate courts in June and in the criminal courts by the end of the year.

"Finally, I am pleased to report that the Kapolei Court Complex, including the new Juvenile Detention Facility, will open this Spring! Throughout the planning and design process, our commitment to the West O'ahu community, to court users island-wide, to the juveniles under the protection of the Family Court statewide, and to our employees has been steadfast. The larger courtrooms and waiting areas will not only enhance Family Court operations, but provide a safer environment for our judges, as well as Family Court practitioners and their clients. The benefits of having a brand new detention facility, including its proximity to the courthouse, are obvious. In short, we anticipate that moving the bulk of our Family Court operations to Kapolei will improve the quality of services we provide to our many Family Court users. At the same time, certain operations, like the entire Adult Criminal Division of family court, will remain here in Honolulu.

"In a few months, Family Court practitioners and the public will be able to file documents in either the Honolulu or Kapolei locations. The availability of video-conferencing between the courthouse in Honolulu and in Kapolei will negate travel time in certain types of proceedings. And self-help centers to assist self-represented parties will also be available in both locations. Once the move is completed, other Judiciary offices, currently housed in leased-office spaces, will move into Ka'ahumanu Hale. Thus, even with the gloominess surrounding budget cuts, salary reductions and furloughs, we have much to look forward to with the opening of the new courthouse and detention facility in Kapolei.

"Ladies and gentlemen, I am proud of the many positive contributions made by the Judiciary in spite of our budget situation. And, as I said earlier, the Judiciary's self-imposed spending restrictions and cuts in programs and services, as well as its furlough plan, underscores our commitment as a co-equal partner in government to share in the responsibility of dealing with the current economic situation. I must emphasize, however, that the steps we have taken thus far to meet that responsibility cannot be sustained without serious consequences to our mission and, most importantly, without serious consequences to our citizenry.

"The Judiciary is well aware that last month's projections from the Council on Revenues puts the deficit at $1.2 billion. We fully recognize the enormous and difficult task ahead of you this Session. We are hopeful that the measures we have taken thus far, including the furlough plan, not only demonstrate that we are partners with you in this crisis, but convince you that the Judiciary will not be able to withstand the devastating effects of any further cuts to its budget this Session.

"To the dedicated leaders and Members of the Twenty-Fifth Legislature: again, thank you for the opportunity to deliver this, my last, State of the Judiciary address.

"To the current and past Legislatures and to the people of this great State: It truly has been an honor and a privilege for me, during the past nearly 28 years, to serve as a trial judge in the Circuit Court, as well as Associate Justice and, for the past almost 17 years, as Chief Justice of the Hawai'i Supreme Court. I am grateful to have been able to personally share, this year and in past years, the many accomplishments as well as challenges of the dedicated men and women of the third branch of government.

"Mahalo and Aloha! Thank you."

Speaker Say then rose and stated:

"Chief Justice Moon, on behalf of the Hawaii State House and Senate, I wish to thank you for your service with the State Judiciary. From your years as a judge in Circuit Court, to your time as an Associate Justice with the Supreme Court and especially during your tenure as Chief Justice, you have guided this State through a bevy of significant and difficult issues. Your leadership has been with both the mandatory objective of jurist prudence, and the necessary quality of compassion for the people of Hawaii.

"Your impending retirement is a bittersweet notion. While the State could certainly benefit from your continued service, you will leave your post with the knowledge that you have made Hawaii a better place; one that provides its citizens with protection, with opportunity, and with equality. Most importantly you have helped make Hawaii a place where there is truly justice for all. Congratulations, Chief Justice Moon, and once again, thank you.

"The Chief Justice did not want me to say anything about his next career so I will not. So at this time, I declare this Joint Session adjourned."

At 1:04 o'clock p.m., Speaker Say declared the Joint Session of the Senate and the House of Representatives of the Twenty-Fifth Legislature adjourned.

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, January 28, 2010.

SIXTH DAY

Thursday, January 28, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representative Thielen, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 157 through 161) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 157, dated December 22, 2009, transmitting the Office of the Governor/Department of Accounting and General Services' Annual Report on the Congresswoman Patsy T. Mink Commission for the period December 16, 2008 through December 15, 2009.

Gov. Msg. No. 158, dated January 21, 2010, transmitting the Department of Agriculture's Transfer of Revolving Fund Monies Annual Report for calendar year ending December 31, 2009, as required by Sections 155-14 and 219-4, Hawaii Revised Statutes.

Gov. Msg. No. 159, dated January 22, 2010, transmitting the annual report for the Pesticide Use Revolving Fund for Fiscal Year 2009 as required pursuant to Section 149A-13.5(f), Hawaii Revised Statutes.

Gov. Msg. No. 160, dated January 25, 2010, transmitting the Hawaii Housing Finance and Development Corporation's (HHFDC) Report to the Twenty-Fifth Legislature, State of Hawaii 2010 pursuant to S.C.R. No. 87, S.D. 1 (2009) Urging the HHFDC to Convene a Task Force to Review State and County Affordable Housing Approval Requirements and Procedures.

Gov. Msg. No. 161, dated January 19, 2009 [*sic*], transmitting the Department of Labor and Industrial Relations' (DLIR) Hawai'i Civil Rights Commission Report for fiscal year ending June 30, 2009 as required by Section 368-3, Hawaii Revised Statutes.

INTRODUCTIONS

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

Representative Ward introduced friends from the East Honolulu area, Ms. Lisa Yoshimura and Ms. Sharon Nagasako.

Representative McKelvey introduced Mrs. Virginia Gorospe, and Father George Bustos of the Holy Trinity Catholic Church in Hawaii Kai.

Representative M. Oshiro introduced the Wahiawa Rainbow Seniors and their President, Mr. David Seeholzer; Vice President, Ms. Florence Sakai; 2nd Vice President, Ms. Noelle Sutherland; Secretary, Ms. Sueno Kim, Corresponding Secretary, Ms. Sheila Seeholzer, and Treasurer, Ms. Ruriko Kono.

Representative M. Oshiro then recognized the members of the Wahiawa Rainbow Seniors who were seated in the gallery: Victor and Miyoko Aoki, Diana Asako, Pat Bagasol, Rose Baysa, Marian Burke, Edith Cambra, Harriet Eum, Jim and Ann Guzior, Josephine Honda, Alice Hoshino, Lorna Hoshino, Robert Ichiyama, Jean Idemoto, Nora Kahakua, Violet Katto, Jessie Kiyabu, Elsie Kojima, Carolyn Kojima, Hideko Kondo, Kiyomi Kunishige, Margaret Maeda, Jane Matsumoto, Rusty and Ethel Nakagawa, Jean Noguchi, Gertrude Ono, Margaret Ota, Linda Quiseng, Ethel Saito, Pat Sakata, Jane Sasagawa, Richard Sato, Grace Tsujimura, Hisae Yamaguchi, Frances Yasui, and Jim and Joyce Shimokusu.

Representative M. Oshiro also introduced Ms. Sally Waitte, his fifth grade teacher from Wahiawa Elementary School.

Representative Takai, on behalf of Representative Takumi and himself, introduced their friend, Ms. Elaine Funakoshi of Pearl City.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.	Referred to:
2818	Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2819	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2820	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2821	Committee on Finance
2822	Committee on Education, then to the Committee on Finance
2823	Committee on Labor & Public Employment, then to the Committee on Finance
2824	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2825	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2826	Committee on Agriculture, then to the Committee on Finance
2827	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2828	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2829	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2830	Jointly to the Committee on Higher Education and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2831	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2832	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

2833 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2834 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2835 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2836 Committee on Finance

2837 Committee on Agriculture, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

2838 Committee on Health, then to the Committee on Consumer Protection & Commerce

2839 Committee on Finance

2840 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2841 Committee on Judiciary, then to the Committee on Finance

2842 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2843 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2844 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2845 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance

2846 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing

2847 Jointly to the Committee on Public Safety and the Committee on Health and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance

2848 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

2849 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing

2850 Committee on Finance

2851 Committee on Finance

2852 Committee on Finance

2853 Committee on Finance

2854 Committee on Labor & Public Employment, then to the Committee on Finance

2855 Committee on Labor & Public Employment, then to the Committee on Finance

2856 Committee on Labor & Public Employment, then to the Committee on Finance

2857 Committee on Labor & Public Employment, then to the Committee on Finance

2858 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2859 Committee on Labor & Public Employment, then to the Committee on Finance

2860 Committee on Labor & Public Employment, then to the Committee on Finance

2861 Committee on Labor & Public Employment, then to the Committee on Finance

2862 Committee on Labor & Public Employment, then to the Committee on Finance

2863 Committee on Labor & Public Employment, then to the Committee on Finance

2864 Committee on Labor & Public Employment, then to the Committee on Finance

2865 Committee on Hawaiian Affairs, then to the Committee on Finance

2866 Committee on Finance

2867 Committee on Finance

2868 Committee on Finance

2869 Committee on Finance

2870 Committee on Finance

2871 Committee on Labor & Public Employment, then to the Committee on Finance

2872 Committee on Finance

2873 Committee on Finance

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2889 Committee on Finance

2890 Committee on Finance

2891 Committee on Labor & Public Employment, then to the Committee on Finance

2892 Committee on Labor & Public Employment, then to the Committee on Finance

2893 Committee on Labor & Public Employment, then to the Committee on Finance

2894 Committee on Labor & Public Employment, then to the Committee on Finance

2895 Committee on Housing, then to the Committee on Judiciary

2896 Committee on Finance

2897 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2898 Committee on Transportation, then to the Committee on Judiciary

2899 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2900 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2901 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2902 Committee on Legislative Management

2903 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Agriculture

2904 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2905 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2906 Committee on Health, then to the Committee on Consumer Protection & Commerce

2907 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2908 Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance

2909 Committee on Public Safety, then to the Committee on Judiciary

2910 Committee on Education, then to the Committee on Finance

2911 Committee on Energy & Environmental Protection, then to the Committee on Finance

2912 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2913 Committee on Agriculture, then to the Committee on Finance

2914 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2915 Committee on Finance

2916 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

2917 Committee on Health, then to the Committee on Finance

2918 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2919 Committee on Labor & Public Employment, then to the Committee on Finance

2920 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2921 Committee on Higher Education, then to the Committee on Consumer Protection & Commerce

2922 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2923 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2924 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2925 Committee on Water, Land, & Ocean Resources

2926 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Agriculture

2927 Committee on Hawaiian Affairs, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance

2928 Committee on Judiciary

2929 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2930 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Transportation, then to the Committee on Finance

2931 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Transportation, then to the Committee on Finance

2932 Committee on Education

2933 Committee on Transportation, then to the Committee on Finance

2934 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2935 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2936 Committee on Labor & Public Employment, then to the Committee on Finance

2937 Committee on Labor & Public Employment, then to the Committee on Finance

2938 Committee on Labor & Public Employment, then to the Committee on Judiciary

2939 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2940 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2941 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2942 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2943 Committee on Finance

2944 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2945 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2946 Committee on Finance

2947 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2948 Committee on Agriculture, then to the Committee on Finance

2949 Committee on Agriculture, then to the Committee on Judiciary

2950 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

2951 Committee on Education, then to the Committee on Finance

2952 Committee on Transportation, then to the Committee on Finance

2953 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

2954 Committee on Judiciary

2955 Committee on Judiciary

2956 Committee on Health, then to the Committee on Consumer Protection & Commerce

2957 Committee on Energy & Environmental Protection, then to the Committee on Finance

2958 Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs

2959 Committee on Judiciary

2960 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2961 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2962 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2963 Committee on Finance

2964 Committee on Labor & Public Employment, then to the Committee on Finance

2965 Committee on Judiciary

2966 Committee on Finance

2967 Committee on Labor & Public Employment, then to the Committee on Finance

2968 Committee on Judiciary

2969 Committee on Judiciary

2970 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2971 Committee on Energy & Environmental Protection, then to the Committee on Finance

2972 Committee on Education, then to the Committee on Finance

2973 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2974 Committee on Education, then to the Committee on Finance

2975 Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2976 Committee on Human Services, then to the Committee on Education, then to the Committee on Finance

2977 Committee on Judiciary

2978 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2979 Committee on Judiciary

2980 Committee on Finance

2981 Committee on Human Services, then to the Committee on Finance

2982 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2983 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2984 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2985 Committee on Finance

2986 Committee on Judiciary, then to the Committee on Finance

2987 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary

2988 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2989 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

2990 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2991 Committee on Education, then to the Committee on Finance

2992 Committee on Labor & Public Employment, then to the Committee on Finance

2993 Committee on Energy & Environmental Protection, then to the Committee on Finance

2994 Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B. No. **Re-referred to:**

2258 Committee on Labor & Public Employment, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 2-10) recommending that H.B. No. 823, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 3-10) recommending that S.B. No. 1265, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1265, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING OF MEAT AND FISH PRODUCTS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 4-10) recommending that H.B. No. 2052, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 5-10) recommending that H.B. No. 2053, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2053, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 6-10) recommending that H.B. No. 2054, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2054, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 2 through 12) and concurrent resolutions (H.C.R. Nos. 4 through 50) were referred to Printing and further action was deferred:

H.R. No. 2, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCREASE FINES FOR MULTIPLE VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH ORDINANCES," was offered by Representative Marumoto.

H.R. No. 3, entitled: "HOUSE RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was jointly offered by Representatives M. Lee, Belatti, Hanohano, Har, C. Lee, Luke, Marumoto, Morita, Shimabukuro, Thielen and Wooley.

H.R. No. 4, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE TECHNICAL FEASIBILITY AND LEGAL IMPLICATIONS OF REPLACING REFERENCES TO PROSTITUTION IN THE HAWAII REVISED STATUTES WITH THE TERM COMMERCIAL SEXUAL EXPLOITATION," was jointly offered by Representatives Morita, Cabanilla, Hanohano, C. Lee, Luke, Pine, Thielen, Awana, Belatti, Marumoto and Wooley.

H.R. No. 5, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF AMERICAN SIGN LANGUAGE INTERPRETERS," was jointly offered by Representatives M. Lee, Awana, Marumoto, Mizuno, Rhoads, Takumi, Tokioka and Coffman.

H.R. No. 6, entitled: "HOUSE RESOLUTION REQUESTING GOVERNMENT-FUNDED HOUSING AGENCIES TO AFFORD ELDERLY TENANTS IN PUBLIC AND SENIOR HOUSING WHO HAVE UNEXPECTEDLY BECOME THE PRIMARY CAREGIVERS OF THEIR GRANDCHILDREN-IN-CRISIS A REASONABLE TIME TO FIND APPROPRIATE HOUSING BEFORE THEY MAY BE EVICTED," was jointly offered by Representatives M. Lee, Har, Manahan, Mizuno, Rhoads, Thielen and Marumoto.

H.R. No. 7, entitled: "HOUSE RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was jointly offered by Representatives M. Lee, Mizuno, Shimabukuro, Thielen and Aquino.

H.R. No. 8, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was jointly offered by Representatives M. Lee, Awana, Manahan and Mizuno.

H.R. No. 9, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was jointly offered by Representatives Yamane, Chang and Say.

H.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was jointly offered by Representatives Berg, Belatti, Brower, Hanohano, C. Lee, Luke, McKelvey, Nishimoto, Shimabukuro, Takumi, Aquino, Bertram and Wakai.

H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was jointly offered by Representatives Chang, Evans, Hanohano, Ito, Manahan, Sagum, Berg, Bertram, Cabanilla, Chong, Herkes, Keith-Agaran, Magaoay, McKelvey, Nakashima, Takumi and Wakai.

H.R. No. 12, entitled: "HOUSE RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was jointly offered by Representatives M. Lee, Aquino, Mizuno, Shimabukuro and Thielen.

H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCREASE FINES FOR MULTIPLE VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH ORDINANCES," was offered by Representative Marumoto.

H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was jointly offered by Representatives M. Lee, Belatti, Cabanilla, Evans, Hanohano, Har, C. Lee, Luke, Marumoto, Morita, Shimabukuro, Thielen and Wooley.

H.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE TECHNICAL FEASIBILITY AND LEGAL IMPLICATIONS OF REPLACING REFERENCES TO PROSTITUTION IN THE HAWAII REVISED STATUTES WITH THE TERM COMMERCIAL SEXUAL EXPLOITATION," was jointly offered by Representatives Morita, Hanohano, C. Lee, Luke, Pine, Shimabukuro, Thielen, Awana, Belatti, Marumoto and Wooley.

H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE INCLUSION OF PROTECTIONS FOR WOMEN'S HEALTH CARE, INCLUDING WOMEN'S REPRODUCTIVE HEALTH SERVICES, IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT," was jointly offered by Representatives Morita, Belatti, Brower, Cabanilla, Evans, Hanohano, C. Lee, Luke, Marumoto, Shimabukuro, Thielen, Tsuji and Wooley.

H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT PORTRAITS OF OFFICIALS OF THE PROVISIONAL GOVERNMENT OF HAWAI`I BE REMOVED FROM DISPLAY IN POSITIONS OF HONOR IN STATE GOVERNMENT BUILDINGS," was offered by Representative Say, by request.

H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONVENING OF A TASK FORCE TO CONSIDER THE MERITS OF CREATING IN OR NEAR HANA, MAUI, A MONUMENT TO QUEEN KA`AHUMANU IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KÜPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Say, by request.

H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR, PURSUANT TO SECTION 26H-6, HAWAII REVISED STATUTES, TO CONDUCT AN ANALYSIS OF THE PRACTICE OF EXCHANGE ACCOMMODATION IN HAWAII," was jointly offered by Representatives Morita, Sagum and Tokioka.

H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF AMERICAN SIGN LANGUAGE INTERPRETERS," was jointly offered by Representatives M. Lee, Awana, Marumoto, Mizuno, Rhoads, Takumi, Tokioka and Coffman.

H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNMENT-FUNDED HOUSING AGENCIES TO AFFORD ELDERLY TENANTS IN PUBLIC AND SENIOR HOUSING WHO HAVE UNEXPECTEDLY BECOME THE PRIMARY CAREGIVERS OF THEIR GRANDCHILDREN-IN-CRISIS A REASONABLE TIME TO FIND APPROPRIATE HOUSING BEFORE THEY MAY BE EVICTED," was jointly offered by Representatives M. Lee, Awana, Har, Manahan, Marumoto, Mizuno, Rhoads and Thielen.

H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was jointly offered by Representatives M. Lee, Mizuno, Morita, Shimabukuro and Rhoads.

H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was jointly offered by Representatives M. Lee, Awana, Manahan and Mizuno.

H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was jointly offered by Representatives M. Lee, Mizuno, Shimabukuro, Morita and Rhoads.

H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ARCHAEOLOGISTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was offered by Representative Ito.

H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII AT HILO'S COLLEGE OF PHARMACY IN ITS EFFORTS TO OBTAIN FEDERAL FUNDING TO ESTABLISH A BEACON COMMUNITY ON THE ISLAND OF HAWAII," was jointly offered by Representatives Herkes, Chang, Coffman, Evans, Hanohano, Nakashima and Tsuji.

H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was jointly offered by Representatives Yamane, Chang and Say.

H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was jointly offered by Representatives Berg, Belatti, Brower, Hanohano, C. Lee, Luke, McKelvey, Nishimoto, Shimabukuro, Takumi, Aquino, Bertram and Wakai.

H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO GIVE THE SAME LEVEL OF PROTECTION TO WATER FOR AGRICULTURE AS THAT GIVEN TO DOMESTIC CONSUMPTION, THE PROTECTION OF TRADITIONAL AND CUSTOMARY HAWAIIAN RIGHTS, AND THE PROTECTION OF FISH AND WILDLIFE TO ACHIEVE A PROPER ECOLOGICAL BALANCE," was offered by Representative Say, by request.

H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPA'A, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO TEMPORARILY WAIVE PROPERTY TAXES FOR LAND-INTENSIVE RENEWABLE ENERGY PROJECTS WITH DELAYED INCOME POTENTIAL," was offered by Representative Say, by request.

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION TO ADOPT THE COURSE OF ACTION RECOMMENDED IN THE 2009 AUDIT REPORT OF THE HAWAII HEALTH SYSTEMS CORPORATION," was offered by Representative Say, by request.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALLOW VACANT CLASSROOMS TO BE USED BY CHARTER SCHOOLS," was offered by Representative Say, by request.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO JOIN THE DEPARTMENT OF HUMAN SERVICES QUEST PROGRAM IN IMPLEMENTING A HEALTH INSURANCE PUBLIC PURCHASING POOL," was offered by Representative Say, by request.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO SET A REQUIRED MINIMUM NUMBER OF INSTRUCTIONAL DAYS PER SCHOOL YEAR," was offered by Representative Say, by request.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 2890 HANA HIGHWAY, HANA, HAWAII," was offered by Representative Say, by request.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN ARCHAEOLOGICAL WORKING GROUP TO RECOMMEND ARCHAEOLOGICAL PRACTICE GUIDELINES FOR THE STATE INCLUDING LICENSING AND PROFESSIONAL OVERSIGHT," was offered by Representative Say, by request.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF THE PROFESSION OF ARCHAEOLOGY," was offered by Representative Say, by request.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," was offered by Representative Say, by request.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR BEACH ACCESS RIGHT-OF-WAY PURPOSES," was offered by Representative Say, by request.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES," was offered by Representative Say, by request.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU," was offered by Representative Say, by request.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF GENERAL AVIATION LOTS AT THE KONA INTERNATIONAL AIRPORT AT KEAHOLE, ISLAND OF HAWAII," was offered by Representative Say, by request.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was jointly offered by Representatives Chang, Evans, Hanohano, Ito, Manahan, Sagum, Berg, Bertram, Cabanilla, Chong, Herkes, Keith-Agaran, Magaoay, McKelvey, Nakashima, Takumi and Wakai.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Berg, Belatti, Carroll, Hanohano, C. Lee and McKelvey.

ANNOUNCEMENTS

Representative Wooley: "Thank you, Mr. Speaker. I would like to wish our very youngest Member, Representative Chris Lee, a very happy birthday. I think he may be the only Member under 30. Let's give him a big hand."

Vice Speaker Magaoay: "Representative Chris Lee, since you have been determined to be the youngest, do you have any comments you would like to share on your youth?"

Representative C. Lee: "Thank you for the opportunity, Mr. Speaker. I would be running for Lieutenant Governor, but I am prohibited by the Constitution from doing so based on my age. So Representatives Karamatsu, Berg and everybody else, you're off the hook. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:14 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, January 29, 2010. (Representative Thielen was excused.)

SEVENTH DAY

Friday, January 29, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered in song by Representative Faye P. Hanohano, after which the Roll was called showing all Members present with the exception of Representative Herkes, who was excused.

SUPPLEMENTAL CALENDAR #1

Representative Say moved that action on H.B. No. 444, HD 1, SD 1, be postponed indefinitely, seconded by Representative Chong.

Representative Bertram rose to speak in opposition to the motion, stating:

"Yes, I don't support this motion mainly because I would love to see us vote this down and bring this whole issue back to our Caucuses, as well as to our Chamber so we can have a full discussion about this issue regardless of what the Governor may or may not do. I appreciate the intent of it, although I do disagree with it. Thank you."

The motion was put to vote by the Chair and carried, and action on H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was postponed indefinitely, with Representative Bertram voting no, and with Representative Herkes being excused.

ORDINARY CALENDAR

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 162 through 164) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 162, dated January 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-319, Hawaii Revised Statutes, Hawaii Rx Plus Program Report.

Gov. Msg. No. 163, dated January 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 92, Session Laws of Hawaii 2007, on Immunosuppressant Medication.

Gov. Msg. No. 164, dated January 26, 2010, transmitting the Department of Land and Natural Resources' report, Report On The Findings And Recommendations Of Effectiveness Of The West Hawaii Regional Fishery Management Area, as required by Section 188F-5, Hawaii Revised Statutes.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 52 through 54) were received by the Clerk and were placed on file:

Dept. Com. No. 52, from the Legislative Reference Bureau, transmitting Report No. 3, 2009, A Review of the Capital Improvement Project Allotment Process and the Memorandum of Understanding Between the Department of Education and the Department of Budget and Finance.

Dept. Com. No. 53, from the Legislative Reference Bureau, transmitting Report No. 1, 2010, The Hawaii Teacher Standards Board – Is Oversight Needed?

Dept. Com. No. 54, dated January 28, 2010, from Marion M. Higa, State Auditor, transmitting the report, Investigation of Specific Issues of the Department of Business, Economic Development & Tourism.

INTRODUCTIONS

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

Representative C. Lee introduced Kailua High School seniors, Ms. Nahuina Ka' iama, Ms. Ashley Josui and Ms. Keyla Higa.

Representative Finnegan introduced constituents, Ms. Brianna Chung, Ms. Patti Chung, Mr. Jake Chung, Sr., Mr. Jake Ching, Jr., Ms. Winifred Chung, and Mr. Robert Noriega.

Representative Rhoads introduced his constituent, Ms. Sandy Stroud.

At 12:14 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
3	Committee on Tourism, Culture, & International Affairs
4	Committee on Judiciary, then to the Committee on Legislative Management
5	Committee on Health, then to the Committee on Legislative Management
6	Committee on Housing, then to the Committee on Judiciary
7	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
8	Committee on Human Services, then to the Committee on Finance
9	Committee on Higher Education
10	Committee on Human Services, then to the Committee on Finance
11	Committee on Human Services, then to the Committee on Judiciary
12	Committee on Health, then to the Committee on Finance

H.C.R. Nos.	Referred to:
4	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
5	Committee on Tourism, Culture, & International Affairs
6	Committee on Judiciary, then to the Committee on Legislative Management
7	Committee on Health, then to the Committee on Judiciary
8	Committee on Hawaiian Affairs, then to the Committee on Finance
9	Committee on Hawaiian Affairs, then to the Committee on Finance
10	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
11	Committee on Health, then to the Committee on Legislative Management
12	Committee on Housing, then to the Committee on Finance
13	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
14	Committee on Human Services, then to the Committee on Finance
15	Committee on Health, then to the Committee on Finance
16	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management
17	Committee on Higher Education, then to the Committee on Finance
18	Committee on Higher Education
19	Committee on Human Services, then to the Committee on Finance
20	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture and the Committee on Hawaiian Affairs
21	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
22	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
23	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
24	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
25	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
26	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
27	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
28	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
29	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
30	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
31	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
32	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
33	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
34	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
35	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
36	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
37	Committee on Health, then to the Committee on Finance
38	Committee on Education, then to the Committee on Finance
39	Committee on Labor & Public Employment, then to the Committee on Human Services, then to the Committee on Finance
40	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
41	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
42	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
43	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management
44	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
45	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

46 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

47 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

48 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance

49 Committee on Human Services, then to the Committee on Judiciary

50 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	**Re-referred to:**
2530	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2706	Committee on Consumer Protection & Commerce, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 7-10) recommending that H.B. No. 2103, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2103, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I know it's unusual to speak on Second Reading, but this is an unusual bill. Thank you. This bill would effectively unionize the Legislature. I'm against the bill, Mr. Speaker. I speak in opposition. I would not like to see my office in rebellion against its leadership. I would not like to see this Body with its staff against this. And as a member of the Minority I would hate to see the tyranny of the Majority express itself again through unionization of our employees.

"So Mr. Speaker, I don't see what good can come of this. I think it leaves a lot to be desired, and I think it's probably the first exercise of the quote, "card-check bill" and we should do with this bill what we did with the previous one. Thank you."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"In response to HB 2103, I submit these written comments:

"In these trying economic times, money is very tight. More than anything, I believe that we, as lawmakers, should 'look before we leap.' It is very simple: Unions create a middle man in the discussion between employee and employers. Unions are not free. By proposing another union, we are proposing the creation of new costs to include supplemental infrastructure.

"Unions result in union dues, another unnecessary financial burden. I prefer my employees receive a higher salary without more taxes directed to union costs. I believe there are alternative ways to address the needs of employee-employer relations.

"For all of these reasons, I oppose HB 2103."

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

"I actually support this measure, Mr. Speaker. I was against card-check for businesses, but I think since we are going to put the businesses in Hawaii through tremendous pain of having card-check in Hawaii, I think that we should have the same standards for ourselves. The Legislature, after all, our staff works longer hours than any other employee in the State of Hawaii. They have no breaks especially if you work in the Finance Committee, and very little time off. So I think we should treat our employees with much respect. They definitely deserve to unionize against us. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Despite the Minority Floor Leader's comments, I will be voting no."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2103, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Ching, Finnegan, Marumoto, Thielen and Ward voting no, and with Representatives Belatti and Herkes being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Belatti and Herkes were excused.)

THIRD READING

H.B. No. 2162, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Third Reading by a vote of 49 ayes, with Representatives Belatti and Herkes being excused.

At 12:35 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2162, HD 1

ANNOUNCEMENTS

Representative Berg: "Thank you, Mr. Speaker. I would like to announce that today is Aloha Friday and that we remember that as we leave here today, everyone who is participating in the Chamber and also in the Gallery, remember the words that our good Representative from Puna

just sang. There are three important things in the world: faith, hope and love. *Mekealoha kealoha ka i 'oi a'e*. Of these, love is foremost.

"If you noticed in the Rotunda earlier, there were children there representing the parents who are protesting the furloughs. If I can ask all of us just to remember as we leave that we are the State of Aloha and that there is an Aloha Spirit Law that requires us to be respectful and loving of one another. I appreciate that. Thank you."

ADJOURNMENT

At 12:37 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 1, 2010. (Representatives Belatti, Herkes and Sagum were excused.)

EIGHTH DAY

Monday, February 1, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Kahu Curt Kekuna of the Kawaiaha'o Church, after which the Roll was called showing all Members present with the exception of Representatives McKelvey, Sagum and Wooley, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 165 and 166) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 165, dated January 22, 2010, transmitting the Progress Report to the Governor and Legislature of the State of Hawaii Pursuant to Section 196-41, Hawaii Revised Statutes (HRS).

Gov. Msg. No. 166, dated January 26, 2010, transmitting the High Technology Development Corporation's 2009 Annual Report, pursuant to Section 206M-3.5, Hawaii Revised Statutes.

INTRODUCTIONS

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

Representative Karamatsu introduced family and friends of the late Senator Nadao 'Najo' Yoshinaga: sons, Mr. Alvin Yoshinaga and Mr. Michael Yoshinaga; daughter and son-in-law, Mrs. Susan Yoshinaga-Ward and Mr. Roger Ward; and friends, Mr. Robert Miller and Mr. Steve Montgomery.

Representative Saiki introduced third grade students from Lunalilo Elementary School and their teachers, Ms. Lori Towata, and Ms. Tiffany Sera.

Representative Har, on behalf of the Committee on Water, Land, & Ocean Resources, introduced Mr. Ken Kawahara, Deputy Director for the Department of Land and Natural Resources.

Representative Ching also recognized her friend and environmental proponent, Mr. Steve Montgomery.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
1929	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2905	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 8-10) recommending that H.B. No. 2005, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2005, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES AND MOPED FEES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 9-10) recommending that H.B. No. 2020, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 10-10) recommending that H.B. No. 1859, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Health, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 11-10) recommending that H.B. No. 1901, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the committee be adopted, and that H.B. No. 1901, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Stand. Com. Report No. 11-10, HB No. 1901, I'd like to ask for a ruling on potential conflict. At my law firm, we represent one of the potential vendors for the election system, but I don't work on that case," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 12-10) recommending that H.B. No. 1854, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1854, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 13-10) recommending that H.B. No. 1852, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Sagum and Wooley being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 14-10) recommending that H.B. No. 2190, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2190, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 15-10) recommending that H.B. No. 1928, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 16-10) recommending that H.B. No. 2236, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2236, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 17-10) recommending that H.B. No. 2239, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2239, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 18-10) recommending that H.B. No. 2238, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2238, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 19-10) recommending that H.B. No. 2197, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2197, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 20-10) recommending that H.B. No. 1957, pass Second Reading and be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1957, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 21-10) recommending that H.B. No. 2110, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2110, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives McKelvey, Sagum and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 22-10) recommending that H.B. No. 2027, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2027, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives McKelvey, Sagum and Wooley being excused.

ANNOUNCEMENTS

Representative Chang, for the Committee on Higher Education requested a waiver of House Rule 11.5 to hear the following measures on Tuesday, February 2, 2010 at 2 p.m. in Conference Room 309:

HB No. 2641, Relating to University of Hawaii Projects;
HB No. 2670, Relating to the University of Hawaii;
HB No. 2685, Relating to University of Hawaii Budget;
HB No. 2701, Relating to the University of Hawaii; and
HB No. 2921, Relating to Licensing.

At 12:23 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

ADJOURNMENT

At 12:24 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives, on a standing vote in memory of the late Senator Nadao Yoshinaga, adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 2, 2010. (Representatives McKelvey, Sagum and Wooley were excused.)

NINTH DAY

Tuesday, February 2, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:03 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all Members present with the exception of Representatives McKelvey and Pine, who were excused.

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

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 55) was received by the Clerk and was placed on file:

Dept. Com. No. 55, from the Department of Labor & Industrial Relations, transmitting the Workers' Compensation Data Book 2008.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
747, HD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2280	Committee on Housing, then to the Committee on Finance
2318	Committee on Housing, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Chang and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 23-10) recommending that H.B. No. 2305, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2305, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 24-10) recommending that H.B. No. 2022, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 25-10) recommending that H.B. No. 1860, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1860, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Health, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 26-10) recommending that H.B. No. 1978, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1978, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise with some serious reservations regarding Stand. Com. 26-10. Mr. Speaker, I know that most of us in this Chamber are here to create more jobs, protect jobs, get our kids back in school, and put things in priority. But why we are micromanaging the towing business with such detail here saying, 'You must stay open 24 hours.' Did we tell Walmart to stay open 24 hours? Did we tell 7-Eleven to do that? I don't understand the intent of this bill, but it's kind of a 'slippery slope' that once we start doing all this stuff, what's left for the market? And I think our whole nation is looking at, is it going to be determined by government or is it determined by the marketplace? And I think we are going to have to push back a little bit. Get government out of the way and let the marketplace decide, particularly in telling towing companies, 'You must stay open 24 hours a day.' Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 27-10) recommending that H.B. No. 2084, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2084, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 28-10) recommending that H.B. No. 2138, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2138, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on HB 2138 relating to the Healthy Start Program. When this bill was first introduced, it fundamentally undermined the separation of powers between the Executive and Legislative branches. This measure was an attempt to usurp the prerogative of the Executive branch by legislatively establishing the

Healthy Start Program as a permanent program and exempting the Healthy Start Program from the budget allotment system. Furthermore, the bill also undermined the Legislature and its ability to determine budgets for the State.

"Additionally, this bill ignored budgetary reality. Many government programs are important, but in this economic situation, many of them have been cut. Healthy Start is in the same position as most State programs. Why should it be established as a special program that can ignore fiscal reality?

"HB 2138 has subsequently been amended to the HD 1 version that has mitigated some of the budget concerns and gives the Legislature the power to determine the services that DOH provides. Although the amendments rectify the issues from the initial draft, they essentially render this bill unnecessary and pointless. We do not need a bill to enable the Legislature and the Governor to do what is already within the power and purview of the Legislature and the Governor."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2138, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHY START," passed Second Reading and was referred to the Committee on Education, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 29-10) recommending that H.B. No. 2206, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2206, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative Evans.

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

"I would like to make a comment on Stand. Com. Report 29-10. I'm sorry, I was sitting down on the job. I would just like to make a comment in favor of this health savings account bill. I think it's a great bill and I hope it comes to fruition. I think this concept should be incorporated in any federal health care reform that may pass on the national level in Congress. Thank you, very much."

Representative Yamane rose in support of the measure and asked that the remarks of Representative Marumoto be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Chang and Karamatsu, for the Committee on Higher Education and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 30-10) recommending that H.B. No. 2051, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 31-10) recommending that H.B. No. 1964, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPATRIATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 32-10) recommending that H.B. No. 1969, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1969, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you. I did want to express concerns on Stand. Com. No. 32-10. I'd just like to express again my reservations on this particular bill. I think of course we're in favor of taking care of burial sites, but the financial burden is my concern. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1969, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 33-10) recommending that H.B. No. 1851, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1851, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 34-10) recommending that H.B. No. 1849, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1849, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 35-10) recommending that H.B. No. 1850, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1850, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 36-10) recommending that H.B. No. 2074, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2074, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 37-10) recommending that H.B. No. 462, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Transportation, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 38-10) recommending that H.B. No. 1914, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1914, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 39-10) recommending that H.B. No. 1885, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 40-10) recommending that H.B. No. 1936, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1936, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 41-10) recommending that H.B. No. 2144, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2144, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I rise again with serious reservations on a measure, Stand. Com. No. 41-10, Relating to Legislative Caucuses. Thank you, Mr. Speaker. I think the bill is good. It's got a great intention, but possibly very serious unintended consequences. For example, there are probably dozens of caucuses. Former Representative Stegmaier and I back in the '90s formed the Small Business Caucus, but we're not in statute. If we made the Keiki Caucus and the Kupuna Caucus the premier statutized caucuses, are the other ones illegitimate or less capable of carrying on what they're doing? Or are they moot and therefore we all have to rush.

"My point is this will set a precedent. If your caucus is not in statute, will your caucus still remain as a caucus. I know that's usually a Speaker and a Leadership call, but since this is a little bit odd I wanted to bring it to attention because we're kind of punting it down the line, and I know the next Committee will probably have to answer these questions. Thank you, Mr. Speaker."

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

"I don't know if I should have a conflict of interest, but we have a Heritage Caucus. I don't know if I need to establish that, but I too just wanted to reiterate some concerns. I have some reservations in that I very much support, of course, *kupuna* and *keiki* as a Member, but I'm just concerned about what this legislation may mean. Thank you."

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I stand in support of the measure which establishes both the Keiki Caucus and Kupuna Caucus in statute.

"For several years now both of these groups have met regularly with members of the community to discuss issues which will result in the betterment of the quality of life for our *keiki* and *kupuna*. These caucuses have involved large numbers of faithful community advocates, and have not ceased to meet regularly year round to plan for future action.

"In addition, the Kupuna Caucus has contributed major input into the yearly reports of the Joint Legislative Committee on Aging in Place. To say the establishment of these caucuses would diminish the status of others is not the intent, nor would that be the final result of passage of this bill. Rather, it would be a recognition of the many hours of work and discussion that make up the work of both the Keiki and Kupuna Caucus advocates."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE CAUCUSES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives McKelvey, Pine and Tokioka being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 42-10) recommending that H.B. No. 2203, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2203, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 43-10) recommending that H.B. No. 1903, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1903, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR STATE EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 44-10) recommending that H.B. No. 2163, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2163, entitled: "A BILL FOR AN ACT RELATING TO SALARY AND PENSION PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 45-10) recommending that H.B. No. 437, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 437, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 46-10) recommending that H.B. No. 1877, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 47-10) recommending that H.B. No. 2169, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 48-10) recommending that H.B. No. 2379, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2379, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 49-10) recommending that H.B. No. 2411, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2411, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I rise to speak in favor of this measure, but I did vote with reservations in Committee. So just to explain my vote in Committee - there were actually 5 votes with reservations on this particular Committee Report. It calls for a study of the economic and environmental impact on businesses and communities as a result of the reduction in services of the Department of Agriculture's Quarantine Branch and Commodities Branch, statewide.

"The intent is very good and how could you vote against this? But the LRB was in attendance and testified that they have several duties to attend to and this might not rise to a high priority level. They're a little reluctant to do this study. We all know the results of cutbacks and reductions in services in the Department of Agriculture. The effects are dire and adverse so I have a little reluctance in pushing this particular study forward. I think the money might be better spent on keeping some of the staff working. Thank you, very much."

Representative Finnegan rose in support of the measure with reservations and asked that the remarks of Representative Marumoto be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 50-10) recommending that H.B. No. 2274, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2274, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 FUND," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 51-10) recommending that H.B. No. 2115, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 52-10) recommending that H.B. No. 2291, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was

referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 53-10) recommending that H.B. No. 2292, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2292, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM PRODUCE," passed Second Reading and was referred to the Committee on Finance, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 54-10) recommending that H.B. No. 2017, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 55-10) recommending that H.B. No. 2028, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2028, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 55-10, may I have a ruling on a potential conflict. My potential conflict is that I'm an insurance broker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2028, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives McKelvey, Pine and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 56-10) recommending that H.B. No. 747, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was recommitted to the Committee on Human Services, with Representatives McKelvey, Pine and Tokioka being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 13 through 16) and concurrent resolutions (H.C.R. Nos. 51 through 55) were referred to Printing and further action was deferred:

H.R. No. 13, entitled: "HOUSE RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.R. No. 14, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A STATEWIDE PLAN TO ELIMINATE THE WASTE OF MILK DISTRIBUTED WITH SCHOOL LUNCHES," was jointly offered by Representatives M. Lee, Manahan, Mizuno, Pine, Thielen, Awana and Hanohano.

H.R. No. 15, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.R. No. 16, entitled: "HOUSE RESOLUTION SUPPORTING THE UNITED STATES BUREAU OF THE CENSUS AND URGING ALL HAWAII RESIDENTS TO PARTICIPATE IN 2010," was jointly offered by Representatives Mizuno, Brower, Chong and Tsuji.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A STATEWIDE PLAN TO ELIMINATE THE WASTE OF MILK DISTRIBUTED WITH SCHOOL LUNCHES," was jointly offered by Representatives M. Lee, Manahan, Mizuno, Pine, Thielen, Ward, Awana and Hanohano.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES BUREAU OF THE CENSUS AND URGING ALL HAWAII RESIDENTS TO PARTICIPATE IN 2010," was jointly offered by Representatives Mizuno, Brower, Chong and Tsuji.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF HAWAII'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS ORGANIZATIONS," was offered by Representative Mizuno.

ADJOURNMENT

At 12:17 o'clock p.m. on motion by Representative Evans, seconded by Representative Thielen and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, February 3, 2010. (Representatives McKelvey, Pine and Tokioka were excused.)

TENTH DAY

Wednesday, February 3, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:34 o'clock a.m., with Vice Speaker Magaoay presiding.

Representative Ito introduced his former student, Mr. Kurt Lajala, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representative Cabanilla, who was excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 7) was received and announced by the Clerk:

Sen. Com. No. 7, transmitting S.B. No. 2266, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on February 2, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representative Cabanilla was excused.)

S.B. No. 2266

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

S.B. No.	Referred to:
2266	Committee on Health, then to the Committee on Transportation

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
146	Committee on Judiciary, then to the Committee on Finance
745, HD1	Committee on Human Services, then to the Committee on Finance
2691	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2906	Committee on Consumer Protection & Commerce
2918	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 57-10) recommending that H.B. No. 2433, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2433, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 58-10) recommending that H.B. No. 2603, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 59-10) recommending that H.B. No. 2752, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2752, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 60-10) recommending that H.B. No. 2150, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 61-10) recommending that H.B. No. 1883, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1883, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES CONTRACTS," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 62-10) recommending that H.B. No. 1884, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 63-10) recommending that H.B. No. 1913, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

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

1913, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Second Reading and was referred to the Committee on Labor & Public Employment.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 64-10) recommending that H.B. No. 2255, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2255, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 65-10) recommending that H.B. No. 2583, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 66-10) recommending that H.B. No. 1775, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 67-10) recommending that H.B. No. 2347, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2347, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Second Reading and was referred to the Committee on Finance.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 68-10) recommending that H.B. No. 2276, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2276, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 69-10) recommending that H.B. No. 1987, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1987, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker. On Stand. Com. Report No. 69-10, I stand in strong support. I'd like to say that this is a good, strong bill, but I'd like to see it be even stronger by including a total ban on fireworks. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 70-10) recommending that H.B. No. 2776, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2776, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is on Stand. Com. Report No. 70-10. I will be voting no as I have in the past on this bill, in last year's Legislative Session and the year before that. I will also enter my remarks into the Journal," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this bill, as I have consistently done every Session that it has been introduced. If someone has committed an offense so terrible that their license is revoked for life, then it should remain revoked for life. There is absolutely no reason to water down existing law with respect to this issue. Good behavior after the offense does not necessarily make up for the situation that dictated revocation of the license. Driving is a privilege, not a right. If you lose privilege, you lose that privilege and adjust your life accordingly."

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

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition of H.B. 2776 – which permits drivers whose license has been administratively revoked for life to seek reinstatement of the license after 10 years have passed since the lifetime revocation. It also requires drivers to have had no arrests or convictions for driving while their license was revoked and be free from dependency or abuse of alcohol and drugs.

"I strongly believe that those who have chosen to drive under the influence of alcohol have put the lives of other drivers in danger, and there is no guarantee that these individuals will not do this again. DUI related fatalities are becoming common occurrences, and no legislation should be passed that has the potential to add to these numbers.

"As stated by the Department of Transportation, this measure will also impair the deterrent effect of a lifetime revocation, undermining the absolute nature of this revocation. I agree with the Department of Transportation, MADD, and other testifiers who have stated that the issue of lifetime revocation should be addressed using the ignition interlock system when it becomes available in the State.

"Lastly, H.B. 2776 will not only put dangerous drivers back on the road, but will also show disrespect and offense towards MADD and other anti-drinking advocates.

"Driving while intoxicated is a serious problem in our State, and those who violate these laws should be punished fittingly. Any lenience on these

punishments has the potential to result in the fatalities of other drivers on the road. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2776, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Ching and Finnegan voting no.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 71-10) recommending that H.B. No. 2091, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2091, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. Report 71-10, I will vote with reservations and would like to give short comments. Thank you, Mr. Speaker. You know, this is presumptive eligibility and as we know, we are having a very difficult time with the possibility of delayed payments and all kinds of issues regarding Medicaid. So I think moving forward, although I'm with reservations for now, I will see it in the Finance Committee and I am really concerned about moving anything forward that will cost us more money. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2091, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 72-10) recommending that H.B. No. 2798, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2798, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 73-10) recommending that H.B. No. 2158, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2158, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 74-10) recommending that H.B. No. 2796, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 75-10) recommending that H.B. No. 2250, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 76-10) recommending that H.B. No. 1971, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1971, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

"Mr. Speaker, I rise with brief comments on Stand. Com. Report 76-10, Relating to the Department of Hawaiian Home Lands. With reservations. Mr. Speaker, we committed in, I think the year 1920, to build homes on Hawaiian Reservations for Hawaiians. The list still has 25,000 people. It's huge. It's embarrassing, but so is our financial condition right now and this bill says we're going to take 5% and put it for that purpose. A great purpose, but at a time that is untimely and probably totally impossible. So as this moves along, I'm afraid that it may cause a lot of disappointment and so I just wanted to tag it and flag it right now. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1971, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 77-10) recommending that H.B. No. 2473, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2473, entitled: "A BILL FOR AN ACT RELATING TO WORKPLACE PRACTICES," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 78-10) recommending that H.B. No. 2101, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2101, entitled: "A BILL FOR AN ACT RELATING TO CUSTOMER SERVICE," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 79-10) recommending that H.B. No. 2637, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2637, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 80-10)

recommending that H.B. No. 2897, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2897, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 81-10) recommending that H.B. No. 2102, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2102, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 82-10) recommending that H.B. No. 2636, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2636, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 83-10) recommending that H.B. No. 2858, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2858, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"I'm rising with reservations, Mr. Speaker. I believe that in a situation like this that we just experienced during this last break, that we had a situation where we had furloughs and the Governor was talking about how to deal with the budget, that maybe we should take a look at not only furloughs, but pay cuts in negotiations and all those things that were going on. I believe that furloughs should be a means for us to help balance the budget. And so from what I can see in this bill, it's clarifying this, which I don't agree with. So I'm going to be voting with reservations and taking some time to look at this further. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2858, entitled: "A BILL FOR AN ACT RELATING TO FURLOUGHS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 84-10) recommending that H.B. No. 1687, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 85-10) recommending that H.B. No. 2935, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2935, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 86-10) recommending that H.B. No. 2100, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES AND HOURS OF EMPLOYEES ON SERVICE CONTRACTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 87-10) recommending that H.B. No. 2258, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2258, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"I would like to speak in opposition to Stand. Com. Report 87, House Bill 2258, House Draft 1. This apparently sets up a new insurance program for family leave and that is probably a very good purpose and probably one that will help more women than men. But my notes show that it would cost employees and employers no more than about $2,000 a year, and I don't know whether that means both of them together or either group separately.

"The benefits will be no more than $250 a week so that would be $1,000. It just seems to be extremely onerous to have employers have to pay into a new program at this time when the economy is so weak and businesses are weaker.

"Also I notice this bill goes on to the Finance Committee and I do not sit on that Committee. This is an insurance program and I think it should come before the Consumer Protection Committee, where I could examine it at closer length. But on the face of it at this time and this rushed circumstance, I will be voting no. Thank you."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Marumoto be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 88-10)

recommending that H.B. No. 1904, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 89-10) recommending that H.B. No. 745, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 745, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 90-10) recommending that S.B. No. 1311, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 90-10 on S.B. No. 1311, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1311, SD 1, HD 1, were made available to the Members of the House.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar.

THIRD READING

H.B. No. 2027, HD 1:

Representative B. Oshiro moved that H.B. No. 2027, HD 1, pass Third Reading, seconded by Representative Evans.

At 11:49 o'clock a.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock a.m.

The motion was put to vote by the Chair and carried, and H.B. No. 2027, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," passed Third Reading by a vote of 51 ayes.

H.B. No. 2017:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 51 ayes.

H.B. No. 2028:

Representative B. Oshiro moved that H.B. No. 2028, pass Third Reading, seconded by Representative Evans.

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

"Thank you Mr. Speaker. I would like a ruling on a potential conflict of interest. I'm an insurance broker," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 2028, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," passed Third Reading by a vote of 51 ayes.

At 11:51 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2027, HD 1
H.B. No. 2017
H.B. No. 2028

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 17 through 21) and concurrent resolutions (H.C.R. Nos. 56 through 61) were referred to Printing and further action was deferred:

H.R. No. 17, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CREATE A REDEVELOPMENT MASTER PLAN FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES," was offered by Representative Rhoads.

H.R. No. 18, entitled: "HOUSE RESOLUTION RECOGNIZING SEPTEMBER 2010 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII," was jointly offered by Representatives Mizuno, Hanohano, Manahan, Pine, Thielen and Ward.

H.R. No. 19, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Belatti, Hanohano, Pine and Thielen.

H.R. No. 20, entitled: "HOUSE RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO PROPOSE THIS CONSTITUTIONAL AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Mizuno, Brower, Finnegan, Pine, Ward and Souki.

H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was jointly offered by Representatives Mizuno, Pine and Hanohano.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Berg, Carroll, Chang, Coffman, Evans, Hanohano, C. Lee, Manahan, McKelvey, Nakashima, Takumi, Wakai, Morita and Sagum.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CREATE A REDEVELOPMENT MASTER PLAN FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES," was offered by Representative Rhoads.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING SEPTEMBER 2010 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII," was jointly offered by Representatives Mizuno, Hanohano, C. Lee, Manahan, Pine and Thielen.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Awana, Belatti, Hanohano, C. Lee, Pine and Thielen.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO PROPOSE THIS CONSTITUTIONAL AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Mizuno, Brower, Finnegan, Pine, Ward and Souki.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was jointly offered by Representatives Mizuno, Hanohano, Pine and Thielen.

LATE INTRODUCTIONS

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

Representative Cabanilla introduced her staff member, Mr. Patrocinio Bolo.

RECESS

At 11:53 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess subject to the call of the Chair, and in accordance with Senate Concurrent Resolution No. 2, met in Joint Session with the Senate to receive the President of the University of Hawaii System's State of the University Address in the Senate Chambers.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010 was called to order at 12:10 o'clock p.m. by the Honorable Colleen Hanabusa, President of the Senate.

The Senate President then welcomed and recognized the following honored guests:

The Honorable Linda Lingle, Governor of the State of Hawaii, who was presented a lei by Senator Norman Sakamoto;

The Honorable Ronald T.Y. Moon, Chief Justice of the Hawaii State Supreme Court, who was presented a lei by Representative Cindy Evans;

The Senate President then welcomed and recognized the following distinguished guests:

Ms. Jennifer Sabas, representing United States Senator Daniel Inouye;

Mr. Mike Kitamura, representing United States Senator Daniel Akaka;

Ms. Amy Asselbaye, representing United States Congressman Neil Abercrombie;

Major General Jan-Marc Jouas, representing The United States Pacific Air Forces;

Ms. Janice Nielsen, representing The United States Army, Pacific;

The Honorable Hajime Kido, Deputy Consul General of Japan;

The Honorable Paul Raymond Cortes, Consul of the Philippines; and

Dr. Kenneth Mortimer, Former President of the University of Hawaii System.

President Hanabusa then called upon Senators Jill Tokuda, Gary Hooser and Sam Slom, and Representatives Jerry L. Chang, Blake K. Oshiro and Lynn Finnegan to escort Dr. M.R.C. Greenwood, President of the University of Hawaii System, to the rostrum where she was presented leis by Senator Russell Kokubun and Representative Michael Y. Magaoay.

President Hanabusa then presented to the Members of the Twenty-Fifth Legislature and the audience, Dr. M.R.C. Greenwood, President of the University of Hawaii System.

The President of the University of Hawaii System then addressed the Joint Session as follows:

"President Hanabusa, Speaker Say, Governor Lingle, distinguished Members of the Legislature, State Cabinet members and members of other government agencies, special guests from our education, labor, business and military communities, and to the people of Hawai'i, good afternoon and *aloha*.

"I wish to also extend greetings to our University of Hawai'i guests, administrators and campus chancellors, faculty, staff, students, and now I would like to ask the members of the University of Hawaii Board of Regents and our Emeriti Regents to please stand and be recognized.

"First, let me thank you, the Hawai'i State Legislature, for affording me the privilege and the honor of being the first University of Hawai'i President to address a Joint Session of the Legislature. I sincerely appreciate this opportunity to share with you the accomplishments of the University and to reflect on the path ahead at this very critical juncture.

"I am grateful for the warm welcome I have received here in Hawai'i, and for the wise counsel and guidance that I have received from many of you here.

"Thank you also for all that you have done to support the University of Hawai'i, our mission and our aspirations. Without your efforts, and the efforts of those before you, we would not be the strong, vibrant institution we are today.

"I come before you today to focus our attention on what it means to this State to have a sole system of public higher education and the role of such an institution plays in our State.

"We have a world-renowned research campus, the University of Hawaii at Manoa, with new and exciting options for baccalaureate and applied advanced degrees at Manoa, but also at Hilo and West Oahu. And we have seven strong, successful community colleges, and our research and education centers here in Hawai'i. Our system is vital, vital to the State's future and I want to make it clear that the University of Hawai'i System is part of the solution to our current economic problem.

"Now indeed, education is the key to a better future for our society, for generations, for what our society calls "the American dream." Public higher education provides even more so a critical foundation in our rapidly changing global environment.

"Now the best universities provide the infrastructure and the environment to inspire collaboration both within and outside of their institutional boundaries.

"Now you may not know this, but creative knowledge generation is a contact sport, and while much of it is now virtual, the spirit of debate and discovery changes lives and worlds.

"Now you know great universities stimulate innovation and they transform markets. For example, while a faculty member at the University of Hawaii at Mānoa, Dr. Norm Abramson pioneered a method of data packet transmission, still known globally as the Aloha protocol, which was essential in creating the modern Internet. Another UH Mānoa researcher, Dr. Dorsey Stuart, a former research dean at the John A. Burns School of Medicine, developed a technology, along with his graduate research associate, that forms the basis for the Digene HPV test — the only test for

human papillomavirus accepted in the United States and Europe. This test allows doctors to save hundreds, if not thousands of women's lives.

"These ideas, and others like them, started in universities around the world, and they have spawned great industries, reshaped our economy. Individuals, businesses, states and the federal government gained wealth, and the work of a large segment of our market was revolutionized.

"On the other hand, sometimes out of our universities come ideas that at the time may be dismissed as too academic. One of those ideas was that women were as smart as men and could do the jobs that men did just as well.

"When I graduated from college, fewer than five percent of medical school students were women; vet schools and law schools had even less. Today, my granddaughter, your granddaughters, your children, all make up more than 50 percent of students in these bastions of higher education. So those who persisted in this notion that women should be treated equally prevailed, and while I could argue that we still have a ways to go with "equal pay for equal work," I again point out that this "theory" of equality was rooted and matured in our universities and it has permanently changed our society.

"Now another "academic" concept introduced even earlier than that was that access to education and a better future should be possible for the general population — not just the well off. Thus, the great land grant institutions were established, such as the University of Hawaii, and they emerged to teach a broader spectrum of the population not only the great books and languages of Western civilization, but also what was called then the agricultural and mechanical arts. And it advanced with the uniquely American community colleges with open doors and low tuition that ensured that anyone with the desire and the determination could attain a post-secondary education and training. That was unique for the United States. Most countries don't have that. Subsequently, many institutions were further shaped by public policies, such as the GI Bill and Title IX, the groundbreaking legislation resulting from the work of Hawai'i's own Patsy Mink.

"As we advance the nation's international goals, we also look to education as a tool to advance democracy. In the future, all great universities will be global universities. Fortunately, the University of Hawaii already is. Secretary of State Hillary Clinton acknowledged this in her recent speech here at the East-West Center. She cited the transformative influence of a University of Hawai'i alumna who spent years working on rural development, micro-finance and women's welfare. This woman recognized that educating women in particular could revolutionize how money and power are distributed and provide a ladder to success for those to come. Her ideas did not make her personally wealthy, but they changed many lives for the better. This alumna was none other than Ann Dunham, the mother of President Barack Obama.

"So what do these examples demonstrate? Well, one thing they demonstrate is that you cannot put a price on the value of innovative ideas; you can't command that great ideas appear; you can't quantify necessarily what it means to have a well-educated public. However, states can make it easier for universities to adapt in order to accomplish these aims.

"They also demonstrate that we should appreciate what makes public universities great, and realize what our world would be without them. We should appreciate and honor the numerous individuals that make public universities what they are — the faculty, the students, administrators, staff and alumni who are our greatest and most valuable assets, enduring and resilient.

"So, while I talk today about the important role that the University of Hawaii plays and the significant return on your investment that it provides, especially in the midst of this recession, I urge you to think of all those who have directly helped the University of Hawaii in our recently completed Centennial Campaign. This campaign attracted 90,000 donors — 50,000 of them new — and it raised $336 million, largely for students and faculty.

"The Legislature itself is a perfect example that we're doing something right. Nearly 70 percent of you are University of Hawaii alumni. And, I should also point out that all four of our Congressional delegates are University of Hawaii alums. So would all the Members of the Legislature who attended or are alums of the University of Hawaii please stand? And now would all UH alumni please stand? There is no better way to say that we are you.

"So nearly two-thirds of all jobs in the country need some postsecondary education, and it's estimated that by 2015, 44 percent of Hawai'i's jobs will require some form of education and/or training beyond high school, with many jobs requiring a baccalaureate degree or higher. Of course, all will require periodic retraining and continuing education. Returning to a learning environment over the span of one's working life now is the norm, and it will become more so as we plan for the economic necessities that come with improved life spans and productivity.

"Our competitor economies know this and several have been steadily increasing their resources so that their citizens have access to advanced education, putting them ahead especially in some areas of science and technology.

"The level of degree attainment in leading developed nations — including Canada, Japan, and Korea — is rapidly increasing. Their younger populations are significantly better educated than their older populations. Unfortunately this is no longer true in the United States, and it's not true here in Hawai'i. I say to you, we must change this.

"Hawai'i has a unique integrated system of public higher education which is unlike any other state. This is an extraordinary asset and we have to tailor it for the 21st century. Let me underscore that the advantages of our unique system are great with a few student examples. So let me tell you about a few students.

"Malia Davidson dropped out of college and then returned after having children. She finished Maui Community College and then obtained a University of Hawaii Mānoa bachelor's degree through the University of Hawai'i Center at Maui. Her struggles were immense. For example, her son passed away a few months before her graduation. Nevertheless, she commuted from Maui to O'ahu, earning a master's degree from UH Mānoa. Now Malia says, "…it is the aloha at UH that perpetuates the sense of belonging, the ability to move ahead and look back regardless of the challenge, to understand one's *kuleana* in the grand picture of life." Today, Malia Davidson is the statewide director of the Native Hawaiian Scholarship Program based out of Maui Community College. This program disburses approximately $1 million a year to serve Native Hawaiians with scholarship support. Malia's here today. Will you please stand, Malia?

"Sarah Naeole, a student on Moloka'i, never had to leave her island to pursue higher education. As a mother of three with a full time job, she was in no position to relocate her family and to move away from the very community in which she wished to use her education. Through the Moloka'i Education Center, she earned her associate degree. Inspired by the positive experience she had with this distance-education course there, she moved on to a bachelor's degree distance-education program administered through the University of Hawaii West O'ahu. Sarah is now director of administration and compliance at the Bay Clinic in Hilo.

"I'll tell you of an even nicer story. Last summer, Kaua'i Community College held its first graduation of students from Ni'ihau in its Facilities Engineering Program. Seven men and one woman graduated. The men in this graduating class were the first men from Ni'ihau ever to receive any college credential.

"Even more, three times a week, students from the University of Hawaii John A. Burns School of Medicine's Homeless Outreach and Medical Education Project, HOME, load up their van and head out to provide free medical care at O'ahu shelters. On holidays, special events are planned to ensure that homeless children enjoy festivities, and they are not excluded from conversations at school about how they celebrated Halloween and Christmas. Several of these students are here today. I'd like to ask them to stand and to tell you further that they will be outside with their van if

you're interested in learning more about this program. Will the medical students please stand. Thank you. Thank you for what you're doing. It means a great deal to the community.

"On a slightly lighter note, we also transform what you eat — and I'd like to recognize our national champion, student culinary team from Kapi'olani Community College. Several members are here today. Good luck with the next competition, which is on the way.

"So these stories vividly illustrate that higher education does have the power to change the trajectory of a life. They also show that our students and our campuses give directly back to the community in service.

"I've been privileged myself to have made my career as an educator and a researcher, and I have served five institutions. I care passionately about higher education, as it transformed my life. I would not be here today if it had not been for supportive friends, talented faculty, and most importantly, for the kindness of anonymous benefactors that helped me finance my undergraduate career. If it had not been for a state Regents scholarship program and a forward-looking National Defense Education Act loan forgiveness program, it's not likely that I could have gone on to graduate school. If it hadn't been for federal, state and foundation competitive research funding, I would never have had the credentials to be eligible for the great honor of serving this University and this State.

"So the concept that public education benefits the entire state and the nation and not just the individual, is more important today than it has ever been. And I urge you that we all ensure that this generation has every opportunity to reach their aspirations. Because without them, we're all going to see a diminished quality of life here in Hawai'i.

"So I'd like to talk for awhile about where we are today. As you know, both the University and the State have had to make very difficult choices in this troubled economy. We needed to adjust very rapidly, and as we stabilize, we must also move forward wisely, and confidently.

"Those of us within the University of Hawai'i know that we must continue to earn the public's confidence as the sole provider of public higher education in Hawai'i, and one way to do this is by demonstrating a responsible management of resources entrusted to us by the State. And we have worked hard to leverage our unique capabilities as a system and become more efficient administratively. For example:

- The University of Hawaii implemented the first electronic procurement and purchasing card systems in the State, as well as online systems for most human resources processing, student employment and streamlined inventory management.

- We implemented a new integrated system-wide student information system that replaced 10 separate older systems, and we are now implementing new open-source systems for financial management and research administration.

- The use of online learning technologies is allowing us to accommodate our burgeoning student enrollment without a proportionate increase in classrooms.

"Furthermore, all of our campuses have initiated sustainability and energy reduction programs. These initiatives have saved millions of dollars, they produced greater efficiencies, transparency and accountability.

"So I say to you, we all know what is at stake, so I would like to focus more on what we are doing for ourselves and what we must further do together to ensure that the University of Hawai'i will be here to serve the state and its citizens for the next 100 years and beyond.

"An important way that we have been proactive rather than reactive is in our strategic planning. The University of Hawai'i, I was very pleased to have discovered this, has been engaged for a number of years in a serious systematic assessment of our institution's strengths and weaknesses — academic, organizational and operational, and the needs of the State. We have developed a strong strategic plan that clarifies and articulates our promises and priorities, it ensures they're in the State's best interest as we collectively plan for our preferred future. We are finding new ways to manage costs and to secure additional and diverse revenue streams to get us there. And, importantly, we measure our progress against these goals.

"We are focusing our attention on three broad strategic objectives that will serve the state well into the future and they are:

1. Increasing the number of educated citizens in the State of Hawai'i;

2. Contributing to the workforce and the economy; and

3. Advancing the University of Hawai'i's reputation for excellence and its ability to build the State's capacity.

"First, increasing the number of educated citizens. Now, President Obama, recently has asked Congress to create the American Graduation Initiative to help bring the United States back to being the world leader in the number of citizens with higher education.

"So today, I am announcing that we will create the Hawai'i Graduation Initiative to increase the number of college graduates by 2015 by 25 percent. Thank you. The Hawai'i Graduation Initiative will focus on access, affordability and student success. Simply put, we want more local students to attend and graduate from the University of Hawaii.

"Be assured, the University of Hawai'i is committed to increasing Hawai'i's "educational capital" by increasing the participation and success of students, particularly Native Hawaiian, those from lower-income, and those from underserved regions of the State.

"We are committed to supporting the access and success of Native Hawaiians. We are making headway and we are fortunate that we have good partners along this path. For example, the community colleges, through the Achieving the Dream initiative and with the support from OHA and Kamehameha Schools, have increased Native Hawaiian student enrollment by over 50 percent and are working to ensure that every one of these students can succeed.

"Increasing our educational capital also means helping students overcome affordability barriers to higher education. We have made extraordinary strides this year in helping our students receive the aid they are eligible for and we have quadrupled our financial aid reserves for Hawai'i residents. This year, we have over 13,000 students awarded the Federal Pell Grant, far exceeding our 2009 goal by almost 42%. With the dedicated work of our staff, we have already awarded nearly $50 million in financial assistance to our students this year. Thank you.

"Increasing our educational capital means strengthening the pipeline every step of the way. It means that it's necessary to increase the college going rates from public and private schools, which we are doing. A good example, and one of Hawai'i P-20's many initiatives is Step Up, a campaign to raise awareness about the importance of a rigorous high school curriculum for students who hope to go to college and succeeding careers.

"I had a chance to meet one of these students, Joshua Labajo, a freshman at Waialua High School where he is already taking geometry and honors classes in preparation for college. He hopes to major in electrical engineering and, along with his classmates, is now encouraging other high school students to sign the Step Up pledge.

"We will continue our work with the Hawai'i Department of Education to better prepare students to enter and succeed in college.

"We'll work through the Hawai'i P-20 to create an electronic portal so that intermediate and high school students, and I stress, intermediate and high school students, and their parents can see what classes they need to take to enroll at our colleges, can apply automatically, and learn about financial assistance.

"We will also create dual enrollment tracks in technical fields so that students can move very smoothly from the Department of Education programs into the technical programs within our community colleges.

"We will be launching a spectacular private-partner pilot initiative thanks to the generosity of a wonderfully insightful friend of our State, Mr. Jim Lally. Yes, he's a wonderful guy, but he couldn't be here this morning. Our new scholarship program has been initiated at Kaua'i Community College. It targets students who otherwise could not go to college and it helps them go to our Kaua'i campus. Then, it guarantees that they will continue to receive support through their bachelor's degree if they succeed in college and continue to do the work. So we're very excited about that.

"Now the University of Hawai'i's second strategic objective is to continue to contribute positively to the workforce and the economy.

"As has been true in times past, these difficult economic conditions tend to drive up college enrollments. This year, we enrolled the largest number of students in the history of the University of Hawai'i – 58,000 students.

"Many of these students are entering the fields in which the State still has a critical workforce shortage, including teaching, nursing, computing, engineering, social work and hospitality. We are addressing these shortages and attracting additional private support to help us.

"In this 21st century, there will be new types of jobs and people will need education to transition from one career to the next.

"And no longer is it the case that the average age of the college-going population is 18 to 20 years of age. At West O'ahu, the average student age is now 30. We must be prepared, especially in a state like Hawaii, to address the educational and training needs of adults who are entering college for the first time, who are returning to complete their education after some years, and who are seeking a fresh start through retraining.

"UH stands well ahead, well ahead of many other universities in terms of our coordination and efficiency as one system. We have excellent system-wide academic collaboration, and expanding online programs that I described a little earlier that serve both new and returning students.

"But I'm here to tell you that with all we do for our students and our programs we do much, much more. UH, the University of Hawaii, adds money, jobs and talented people to the State's economy. We accomplish this by:

- Increasing external research and training funding — which directly creates jobs and brings money into our State — over $414 million this past year alone;
- We are also addressing research needs specific to our State and the region;
- We enable a quick response to business and industry training needs;
- We are promoting "spin-offs," licenses, and invention disclosures;
- And finally, for every dollar the State spends, we leverage at least $5.34 of additional spending in the State.

"But there is always room for improvement.

"So while we have successful examples of technology transfer, which I described earlier, I believe we can do more. Today we need an approach that incorporates innovation, as well as technology transfer. We must help new businesses to emerge and older ones to innovate. We must manage, and not control, technology transfer for the good of the State. We need a new approach. Our federal research and training enterprise has quadrupled in the past decade, and we have to stay ahead of this curve.

"Therefore, within the next 60 days, I will appoint a Presidential Advisory Group of Experts to study our successes, our challenges, our opportunities, with an eye toward understanding how the best universities at this have achieved their impact. I will ask the group to advise us on the steps the University should take to create a 21st century capability for innovation and technology transfer, to support what could easily be a multi-billion dollar research industry in Hawai'i, spin-offs and related services.

"The third broad objective, one that will have far-reaching impact and is very, very important, is to advance the University of Hawai'i's national reputation for excellence and its ability to build the State's capacity further.

"And here I say the State of Hawai'i needs and deserves a 21st century public university, one with superior facilities to attract and retain the best faculty for high quality teaching and research, and one with educational and administrative processes that deliver services efficiently and effectively.

"Your help with our new Cancer Center helps us gain a new facility and advances cancer care in the State, and your support to advance the next great telescope, the Thirty Meter Telescope, will bring at least a billion dollars to our State.

"But we have a very big problem. Decades of inadequate investment in our facilities are hindering the University of Hawai'i in this regard. This limits what our faculty and students can achieve, it reduces federal investment in our institution, and as the Gartley Hall situation demonstrates, it can even threaten the health and safety of our students, faculty and staff. This must change.

"Infrastructure improvements also have a bearing on the University's ability to recover costs to maintain support for extramurally supported research. As I reported to the House Finance Committee recently, federal indirect cost rates, that's earned overhead, are negotiated, and the University of Hawaii's rate of 36.7 percent, on the Manoa campus in particular, is very low. For comparison, the University of Washington's rate is 58 percent. Many factors influence indirect cost rates, but the level of investment in facilities is a major component. Thus, the poor condition of our facilities, particularly at Mānoa, has a far-reaching effect on our ability to help ourselves to leverage external funds, and to add to the economy, to create jobs and to produce the research and student opportunities we expect of a 21st century university.

"So let me also point out that monies spent on repairs, maintenance and construction are a triple bottom line for the State. They lead directly to jobs for Hawai'i's unemployed construction workers. They provide the support to allow our staff and faculty to compete for additional funding, and they allow us to help ourselves for the future by better leveraging the external funds that we are awarded for research and training.

"In my opinion, no other State investment will have so many immediate benefits while paving the way for a long term growth of research, education and training.

"In short, we must renovate to innovate. We must energize and optimize our workforce, and this is one investment that we can monitor, we can enhance and it will be a lasting legacy.

"So today, we announce Project Renovate to Innovate.

"And our goals are, rather simply but broad and large, to rebuild infrastructure, bring indirect cost rates in line with the peer institutions across the country, increase the creation of small and other businesses based on the University of Hawaii's technology developments.

"The University has achieved a truly extraordinary growth in extramural funding, as I mentioned, over $400 million in contracts and grants for research and training in the last fiscal year and over $270 million in the first half of this year alone. If the current rate of growth can be sustained for the remainder of the decade, it would yield the State a billion dollars a year in 2020. A billion.

"Make no mistake that we will need additional funding in the future to achieve growth and support the faculty and staff who make all this

possible will need. But we know the challenges that all of you are facing in this Session, and that's why our operating budget request is modest and we have focused on general obligation bond support for shovel-ready capital renovations and improvements. Our immediate goals are to improve our campus environment for students, enhance our volume of federal and private support, and spur job creation to help stimulate the local economy.

"We believe that providing general obligation bond support right now is so important that we wish to look to a new emergency partnership with the State of Hawai'i. We do not have the revenue streams to support more revenue bonds in this recession, but if it will aid in securing general bond funds, the University will pledge to pay a share of the interest on a general obligation bond for a period of 5 to 7 years in order to get these jobs on the streets as fast as possible and begin the process of renovating and building to ensure that we can innovate and optimize.

"In addition, we urge you to give us as much flexibility as you can because we need to operate efficiently and effectively as a 21st century knowledge-based institution, which will allow us to focus the resources we do have on our education, research and service mission. Not on unnecessary bureaucracy. We will accept this greater flexibility with a commitment to responsibility and full accountability.

"So in conclusion, I hope our message has been clear. The University of Hawaii is an investment that yields superior returns in both financial and human capital. We are a state that in the past has had the foresight to build this unique system of 10 campuses and additional centers working throughout our islands and communities.

"It took a century of hard work to enable the University of Hawaii System to serve so many citizens of our State. We have educated the diverse groups that have come to call Hawai'i home. We have embraced, and are strengthening, our unique responsibility to the indigenous people of Hawai'i, the Native Hawaiians. We need to be sure that we can pass this centennial legacy on. So we need a new partnership with the State, a vibrant partnership, a partnership that will lead to a preferred future, a future that so many in Hawai'i are looking for. With your help, we can help ourselves meet this challenge and be the innovative, forward-looking University of Hawai'i that the State so, so richly deserves.

"I look forward to working with you. Thank you."

Speaker Say then rose and stated:

"President Greenwood, on behalf of the State House and Senate, thank you very much for your remarks today. We realize that in times of fiscal constraint, the challenges to higher education and Hawaii's University System are formidable. However, we must also remember that if we sacrifice Hawaii's future for the requirements of today, we sacrifice greatness for the sake of mediocrity.

"Visionaries see opportunity in the face of adversity. So too must you see this time as an opportunity to maximize efficiency, while preserving quality education and research. Look beyond how to do the same with less, and instead look toward how to do more with less, and do it better. We know that you are up to the challenge. Aloha.

"If there is no other business before us, I declare this Joint Session, adjourned."

At 12:53 o'clock p.m., Speaker Say declared the Joint Session of the Senate and the House of Representatives of the Twenty-Fifth Legislature adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, February 4, 2010.

ELEVENTH DAY

Thursday, February 4, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Jon Riki Karamatsu, who asked for a moment of silence in memory of former legislators: the late Nadao Yoshinaga, the late Stanley Hara, and the late Jack Suwa; and House staff member, the late Mr. Jon Kobayashi.

The Roll was called showing all Members present.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Days were approved.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 167) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 167, dated January 11, 2010, transmitting the Hawaii Bioenergy Master Plan report pursuant to Act 253, Session Laws of Hawaii (SLH) 2007.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 8) was received and announced by the Clerk:

Sen. Com. No. 8, transmitting S.B. No. 2179, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 3, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred:

S.B. No. 2179, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 56) was received by the Clerk and was placed on file:

Dept. Com. No. 56, dated February 3, 2010, from Marion M. Higa, State Auditor, transmitting the report, Study of Proposed Mandatory Health Insurance Coverage for Colorectal Cancer Screening.

INTRODUCTIONS

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

Representative Mizuno introduced students and parents of the Christian Homeschoolers of Hawaii, along with their Vice President, Pastor Peter Kamakawiwo'ole and Ms. Lora Burbage.

Representative Thielen requested a moment of silence at the appropriate time, in memory of former Mayor, the late Frank Fasi.

Representative Finnegan introduced an intern in her office, Mr. Lanson Hoopai.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
13	Jointly to the Committee on Human Services and the Committee on Health
14	Committee on Education, then to the Committee on Finance
15	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
16	Committee on Economic Revitalization, Business, & Military Affairs
17	Committee on Housing, then to the Committee on Finance
18	Committee on Education
19	Committee on Judiciary
20	Committee on Judiciary, then to the Committee on Finance
21	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance

H.C.R. Nos.	Referred to:
51	Jointly to the Committee on Human Services and the Committee on Health
52	Committee on Education, then to the Committee on Finance
53	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
54	Committee on Economic Revitalization, Business, & Military Affairs
55	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
56	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
57	Committee on Housing, then to the Committee on Finance
58	Committee on Education
59	Committee on Judiciary
60	Committee on Judiciary, then to the Committee on Finance
61	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance

S.B. No.	Referred to:
2179, SD1	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
340, HD1	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
2523	Committee on Finance
2991	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 91-10) recommending that H.B. No. 2297, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 92-10) recommending that H.B. No. 2354, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2354, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 93-10) recommending that H.B. No. 2829, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2829, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this bill. This bill requires hospitals to disclose infection rates; and protects patient privacy rights.

"Hospitals in Hawaii have begun to address this issue, individually and through the Healthcare Association of Hawaii's Patient Safety and Quality Committee. This committee will address the issue of hospital-acquired infections, as well as other quality and patient safety issues faced by hospitals and other health care providers. Additionally, the Patient Safety and Quality Committee has created an Acute Care Data Subcommittee that is responsible for defining, analyzing, and formatting quality and safety measures and projects pertinent to acute care hospitals. Among other information, the subcommittee is considering infection control guidelines issued by the Centers for Disease Control and other agencies. The subcommittee will develop a strategy that all of Hawaii's hospitals can support.

"As the Department of Health pointed out, this legislative short-cut mechanism comes at an inopportune time when hospitals can least afford to respond to a 'knee-jerk' legislative mandate. According to the Department, "State administrative rules already require data reporting for infections listed in the bill while other administrative rules also require facilities to have active infection control programs. Medicare's certification requirements require that Medicare approved hospitals and nursing homes have active infection control programs and national accreditation bodies such as the Joint Commission require infection control programs. All of Hawaii's hospitals and nursing homes are Medicare certified and all of Hawaii's major hospitals and medical centers are accredited."

"It is best to let the hospitals continue their work to create a reasonable, workable transparency mechanism that will guarantee the greatest degree of success possible in providing quality healthcare for Hawaii's people."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2829, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Finnegan voting no.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 94-10) recommending that H.B. No. 2075, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2075, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Second Reading and was referred to the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 95-10) recommending that H.B. No. 2073, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2073, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations of H.B. 2073 – which authorizes the Department of Education to adopt rules and assess fees for parking on roadways and in parking areas under its jurisdiction, except for school-related functions and activities.

"Although this measure would serve as a source of revenue to benefit the Department of Education and indirectly our students, these fines would impact positive community groups such as the Boy Scouts. These educational facilities are where some of the best work in our communities is done. Schools and other DOE property have proven to be a place of congregation for many community members, and these fees will serve costly for individuals who are benefitting the community.

"As stated by the Board of Education, this bill would, "generate a source of additional revenue to benefit public education and public schools", we need considering our current economic situation, but I would like to know how the Department of Education plans to implement and monitor these

fees. I believe that this bill could prove to be more complicated in action than it seems on paper.

"In order for HB 2073 to be effective and efficient, cooperation, communication and clarification are essential. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2073, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 96-10) recommending that H.B. No. 2393, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2393, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise to speak in favor of this bill, but would like to express some reservations. Basically, it's a good program, but it's just not a good time to start a new program with generous tax credits. This is not really so much for agriculture *per se*, but for agriculture processing on agricultural land. But I voted with reservations on several measures in the Committee because they entail the formation of new funds and also the formation of several new fees. I'm strongly for agriculture, but I hate to see more fees assessed upon our farmers and the agricultural community. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 97-10) recommending that H.B. No. 2447, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2447, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to Stand. Com. No. 97-10 with brief comments. Three reasons we shouldn't audit DBEDT and its overseas offices. Number 1, they are already in the cycle of being audited regularly as all departments are. Secondly, if there is some problem with DBEDT because of other personality conflicts, we should not be putting that as one of the reasons for it. And thirdly, the overseas offices are the engine of the future of our economy, Mr. Speaker, China, in particular. To now cast a doubt as to the advocacy and the efficiency of the Chinese overseas office, I think is just bad policy, and using taxpayers money to do something that's already being done, I think is too much of a vindictive reaction rather than a substantive, objective approach to economic development. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, a no vote please. Mr. Speaker, I have found the Auditor's reports to be less than impartial, and I don't see that this makes any sense to continue going after DBEDT and going after its director. It's unseemly in my mind, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. The purpose of the bill is to require the Auditor to conduct a management and financial audit of DBEDT's out of state offices, at least every two years. The fact that they're out of state and some of these are overseas, it would seem prudent that we look at how the money is being spent, so I think this is a real viable request. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition [*sic*] to H.B. 2447 - Relating to Out-Of-State Office**s**. This bill must be looked at through equitable eyes. I believe in these formidable economic times the State Legislature must support DBEDT and not try to entangle one of our States most abundant sources of revenue. I fear that this bill might harm DBEDT and the State of Hawaii on current and future projects by conveying a message of weakness and doubt in DBEDT. Now is the time to support DBEDT, not cast a shadow on them. Thank you."

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

"Mr. Speaker, I will be voting with reservations. I believe that the cost of the audit will be assessed against DBEDT and I think that's rather unusual. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Thielen and Ward voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 98-10) recommending that H.B. No. 2351, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2351, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Transportation.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 99-10) recommending that H.B. No. 1965, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1965, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

"Yes, I just want to note my reservations on Stand. Com. No. 99-10, Relating to Historic Preservation, with a couple comments. What this bill does is it requires an archaeological inventory survey prior to the sale or offer of sale of any undeveloped property in this State. I just wanted to flag this just as a concern since not too long ago, we passed a historic preservation bill that related to taking pictures before the sale of a home

was made, and that caused a lot of problems for people trying to sell their homes, as well as give it to family members.

"So I just wanted to express concerns that I hope that if this bill goes through, that it does not hurt our economy in any way and we can find some type of compromise that can still promote the purpose of this bill without hindering our economy."

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

"Mr. Speaker, severe reservations on this same measure. The other bill that we ultimately repealed brought the building industry to a halt in a critical time when we needed to have those jobs and that construction going on in the economy. I don't like to see us go down the very same road only now, with a larger tract of land."

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

"Reservations, and I think it has a good idea on the premise of this bill, but I think that SHPD is already burdened financially and it would be very difficult. I just want to ask for additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations of H.B. 1965 – which requires an archaeological inventory survey prior to the sale or long-term lease of any undeveloped property in the State.

"Being the founder of the Heritage Caucus, I strongly believe that all steps should be taken to ensure the preservation of historic land and properties, yet I feel as if these archaeological inventory surveys may be redundant of other programs. As stated by the Historic Hawaii Foundation, "it is unclear how the new requirement…would be integrated with other planning."

"A concern arises that there is no reference to differences in land size and the implications that may come about from land size in this measure. However, this is an issue that I feel can be quickly resolved. Thank you."

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

"Thank you. With reservations, Mr. Speaker. This bill would require an inventory of all undeveloped lands and I think it's much too broad as presently written. I think if it were somehow more clearly defined it would not be as expensive or onerous. So I look forward to future Committees weighing in on this issue. Thank you."

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

"Thank you, Mr. Speaker. In support of Standing Committee Report 99-10. Thank you, Mr. Speaker. I appreciate the Committee passing this measure for the discussion mainly because there have been incidences where realtors have sold property, undeveloped property, not knowing the findings of our *kupuna iwi* and cultural sites, and therefore have come to a situation where when they plan to develop or build on that property, they cannot because it was disclosed.

"So purely this measure will help before any buyer purchases the land that they are aware that there are possibilities of cultural sites or archaeological sites, as well as the *kupuna iwi* because we have had situations where people who have purchased properties have come across that situation. Thank you, very much."

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

"In support with reservations. Thank you. I appreciate the comments made by the previous speaker and I do support the intent of this particular measure. The reason why I voted with reservations in the Committee really is for one purpose, and that is there is no definition of the size of the land parcel. I had some concerns regarding very small parcels. So as the Water and Land Committee begins to look at this, because the Chair of Economic Development said, in terms of our jurisdiction, it was only pertaining to what we see here today. I encourage the Water and Land Committee to take a look at that issue and maybe we can resolve this particular concern that I have. Thank you."

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

"I'm standing in support. We were in our Economic Development Committee talking about economic development, and the pertinence of this bill can't be underestimated because what happens is undeveloped land gets sold to someone. They go out with a vision understanding how they're going to develop it. Then all of a sudden, they discover they can't. So now they're back to square one in terms of their master planning.

"And a very good example and the reason I stood up is to tell everyone about the UH West Hawaii College Campus where the Governor had Executive Ordered 60 acres of State property to UH. They had a plan for a 60-acre campus. When they went on the land and started doing their surveys and understanding what was there, they actually lost 24 acres because of the significant sites that were on that property. So that totally took them back to square one. So it is an economic value and it does impact why people buy land. Without knowing it, it could jeopardize the project. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1965, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 100-10) recommending that H.B. No. 1942, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS COURT," passed Second Reading and was referred to the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 101-10) recommending that H.B. No. 2185, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2185, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, if I could just submit some written comments for Stand. Com. Report No. 101-10. In strong support," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill moves the primary election date to an earlier time and makes various amendments to absentee ballot laws to be consistent with federal law.

"Although our Caucus introduced a similar bill and it passed out of the Economic Revitalization, Business & Military Affairs Committee by the Representative from Maui, it was my hope that partisanship would be put aside for the sake of those who sacrifice greatly for our country. It now appears, however, that a different bill will move forward instead.

Nevertheless, I am glad that it appears as though the Hawaii State Legislature cares enough to ensure that our military's votes are counted in elections. Supporting the troops means ensuring that their voices are heard and their votes counted."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 102-10) recommending that H.B. No. 424, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 424, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 103-10) recommending that H.B. No. 2381, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2381, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just have some reservations on No. 103-10. I think this is a good bill and what this bill does is it give tax credits for residential construction and remodeling. I really hope that the next Committee would consider expanding that to commercial development and remodeling. They're the ones that perhaps might have a little bit more capital to start these projects on a bigger scale so that more workers can have jobs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 104-10) recommending that H.B. No. 2520, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2520, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC READY NEW RESIDENTIAL HOMES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 105-10) recommending that H.B. No. 2631, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2631, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 106-10) recommending that H.B. No. 2080, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2080, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Transportation.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 107-10) recommending that H.B. No. 2574, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2574, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Transportation.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 108-10) recommending that H.B. No. 2205, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2205, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to request a ruling on a potential conflict on Stand. Com. No. 108-10. My wife is a registered nurse," and the Chair ruled, "no conflict."

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"On the same measure, I just basically wanted to express a concern. The Board of Nursing opposed this measure and I think it is probably because there is action on a national level to deal with certification and credentialing. This is a significant cost item for hospitals and for people personally. So I think as this goes forward, we ought to consider those things. Thank you."

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

"Thank you, Mr. Speaker, thank you Members for your indulgence. On Stand. Com. No. 108-10, first of all I want to state a potential conflict. I'm a registered nurse," and the Chair ruled "no conflict."

Representative Cabanilla rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2205, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Cabanilla voting no.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 109-10) recommending that H.B. No. 2939, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2939, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"This bill is Related to the Long Term Care Commission. In a sense I think we created the commission and we gave them a mandate to have a study and to report to us. But for us to be telling them what they should be studying and doing is a little bit inappropriate. They have collected private money with much effort to do this study. So to tell them what they should be including is a little bit presumptuous. Thank you."

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

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LONG TERM CARE COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 110-10) recommending that H.B. No. 2086, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2086, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2086, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 111-10) recommending that H.B. No. 2573, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2573, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 112-10) recommending that H.B. No. 1932, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1932, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 1932. This bill provides penalties for the misbranding of fish or fish products that result in consumer illness and creates the food misbranding special fund to support Department of Health inspectors investigating incidents of fish or fish products misbranding. This measure has established absolutely no causal link between the alleged problem of mislabeling fish or fish products and the few instances of illness that served as the catalyst for this measure. The lack of supporting testimony of this measure by anyone other than the Teamsters Union, underscores the lack of gravity or widespread impact of this supposed issue. Furthermore, at a time when the State faces so many pressing issues, I cannot in good conscience devote time and legislative energy to an issue whose harm remains unsubstantiated. By putting the mislabeling of fish in statute, this measure falsely implies that the mislabeling fish is the most significant and widespread of harms related to food safety facing the public."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1932, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD LABELING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Finnegan voting no.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 113-10) recommending that H.B. No. 2723, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2723, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2723. This bill amends the Food Safety Consultative and Education Program under the Department of Health to include information and education efforts regarding food allergies and anaphylaxis and establishes a "food allergy friendly" restaurant designation program.

"Although this bill has a worthy intent, I believe that we must first determine whether the mandates of this measure are properly a core government function. Ultimately, those who eat at a restaurant share in the responsibility of ensuring that they are eating items that properly fit with their diet. Those individuals who suffer from food allergies must ultimately take responsibility for being careful in what they consume because the risks are too great not to be responsible. Additionally, an entity that addresses these concerns already exists at the Department of Health. I am not averse to considering this kind of service in the future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Finnegan voting no.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 114-10) recommending that H.B. No. 2792, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2792, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 115-10) recommending that H.B. No. 2149, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 116-10) recommending that H.B. No. 2804, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2804, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 117-10) recommending that H.B. No. 2497, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2497, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 118-10) recommending that H.B. No. 340, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 340, HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans.

At 12:27 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 340, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was recommitted to the Committee on Tourism, Culture, & International Affairs.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 119-10) recommending that H.B. No. 1853, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 120-10) recommending that H.B. No. 1900, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1900, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Second Reading and was placed on the calendar for Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 22 through 24) and concurrent resolutions (H.C.R. Nos. 62 through 64) were referred to Printing and further action was deferred:

H.R. No. 22, entitled: "HOUSE RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was jointly offered by Representatives Yamane, Aquino, Brower, Manahan and Mizuno.

H.R. No. 23, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Brower.

H.R. No. 24, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was jointly offered by Representatives Yamane, Aquino, Brower, Manahan and Mizuno.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Brower.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

ANNOUNCEMENTS

Representative Belatti: "Thank you, Mr. Speaker. I rise with your indulgence and the indulgence of this Body to make a few comments and to ask that we have a moment of silence to close today's proceedings for a son of Hawaii and Makiki who we just lost, Mayor Frank Fasi. I promise my comments will be short.

"Without a doubt, Mayor Fasi had a colorful reputation, alternatively called a firebrand, trailblazer and maverick. He will be remembered for his *shaka* sign, political posters, and he will be remembered for the many battles he waged, for better or for worse. But in my community and throughout Honolulu, he will surely be remembered for how he stood for the little guy.

"Richard Borreca of the *Star-Bulletin* recently wrote, "With Fasi there was someone who not only could create needed City services, but understood why they were needed. Satellite City Halls, free summer fun programs, free buses for seniors, community gardens, and open markets all came about because Fasi understood the little guy."

"Mr. Speaker, on behalf of many in my community and throughout the City & County of Honolulu, we are those little guys. In my *hanabata*

small-kid days I was a direct beneficiary of those free summer fun programs and the bus services. Today I continue to be a beneficiary of his legacy with community gardens, farmer's market, and the existence of the Makiki Community Library - the only public library within a City's park system. These things all make living in urban Honolulu a pleasure.

"My condolences to the family of Mayor Frank Fasi. My closing comment would be that as we proceed forward, that we remember many of these great individuals that we lost over the past year and that we remember that we have big shoes to fill, and big shoulders to stand on. So with your indulgence, Mr. Speaker, I ask that we rise for a moment of silence."

ADJOURNMENT

Representative Evans moved that the House adjourn until 12:00 o'clock noon tomorrow, Friday, February 5, 2010, seconded by Representative Pine and carried.

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late former Mayor Frank Fasi.

At 12:32 o'clock p.m., the Chair rapped his gavel and the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 5, 2010.

TWELFTH DAY

Friday, February 5, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:03 o'clock p.m., with the Speaker presiding.

Representative Chris Kalani Lee introduced Ms. Cherilyn Inouye, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Chang, Chong, M. Lee and Yamashita, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 168 through 170) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 168, dated January 11, 2010, transmitting the 2009 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 169, dated January 14, 2010, transmitting H.B. No. 500, Act 213 (2007), Part 3, Section 105, Inmates Mental Health Services at Oahu Community Correctional Center, Halawa Correctional Facility, and Women's Community Correctional Center, and S.B. 914, Act 144 (2007), Mental Health Services for Committed Persons Report.

Gov. Msg. No. 170, dated February 4, 2010, transmitting the Hawaii Housing Finance and Development Corporation's (HHFDC) Report to the Twenty-Fifth Legislature, State of Hawaii 2010 pursuant to S.C.R. No. 87, S.D. 1 (2009) Urging the HHFDC to Convene a Task Force to Review State and County Affordable Housing Approval Requirements and Procedures; the first page of the report was inadvertently left out.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 9 through 11) were received and announced by the Clerk:

Sen. Com. No. 9, transmitting S.B. No. 2177, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 4, 2010.

Sen. Com. No. 10, transmitting S.B. No. 2178, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 4, 2010.

Sen. Com. No. 11, transmitting S.B. No. 2201, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on February 4, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Chang, Chong, M. Lee and Yamashita were excused.)

S.B. No. 2177, SD 1
S.B. No. 2178, SD 1
S.B. No. 2201, SD 1

INTRODUCTIONS

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

Representative Awana introduced members of her legislative staff, Ms. Momilani Awana, Ms. Jenny Quezon and Mr. Jerald Ulmer, Jr.

Representative C. Lee introduced Kailua resident and friend, Ms. Rieko Ogata, accompanied by his legislative staff, Ms. Lina Le.

Representative Souki introduced his friends, Dr. William and Mrs. Sandra Martin of Maui, and Mr. Sam and Mrs. Pat Lee of Singapore.

Representative Takai introduced his son, Master Matthew Takai.

Representative Marumoto introduced her student intern, Mr. Aaron Cornelison of Kapiolani Community College.

At 12:11 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
22	Jointly to the Committee on Human Services and the Committee on Health
23	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
24	Jointly to the Committee on Human Services and the Committee on Health

H.C.R. Nos.	Referred to:
62	Jointly to the Committee on Human Services and the Committee on Health
63	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
64	Jointly to the Committee on Human Services and the Committee on Health

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
747, HD1	Committee on Judiciary, then to the Committee on Finance
2288	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2473 Committee on Labor & Public Employment, then to the Committee on Judiciary

2563 Committee on Judiciary, then to the Committee on Finance

2735 Committee on Judiciary

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representative M. Lee was excused.)

UNFINISHED BUSINESS

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 90-10) recommending that S.B. No. 1311, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 12:33 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1311, SD 1, HD 1

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 121-10) recommending that H.B. No. 2679, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2679, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations and a question on Stand. Com. No. 121-10, Mr. Speaker, which is a good bill because it says we've got to diversify away from automobiles. We've got to get the carbon footprint minimized, but this says it's only going to take alternate electric vehicles as the option. In my district there are a lot of noisy, small, gas, oily additives that go on to bicycles, which seems to be an alternative because it's probably so cheap and you don't have to have the battery so I think if it moves on, this should include those noisy, little things too. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2679, entitled: "A BILL FOR AN ACT RELATING TO HYBRID BICYCLES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 122-10) recommending that H.B. No. 2404, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2404, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 123-10) recommending that H.B. No. 2225, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOBILE COMMUNICATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 124-10) recommending that H.B. No. 2083, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2083, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition to this particular bill. This would require a date be stamped on milk as to when it was pasteurized. It already has a date of packaging and so I think this is superfluous and unnecessary. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Marumoto voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 125-10) recommending that H.B. No. 2921, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2921, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 126-10) recommending that H.B. No. 1953, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1953, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, thank you. I am standing in opposition of House Bill 1953. What this bill does is it imposes a general excise tax increase of 1% on the gross proceeds from the sale of real property. The reason I'm in opposition to this bill, Mr. Speaker, is this bill really is a slap in the face to my community. I understand that we introduce bills for discussion and to

keep vehicles alive, but I just need to express to the Body what the people in Ewa Beach are feeling right now.

"Ewa Beach is the place that has the highest foreclosure on the Island of Oahu so my residents are really suffering. Not only have they had to deal with the ARM loans that are all being adjusted this year for most people, they are also now dealing with this economy where sometimes not just one breadwinner, but two breadwinners in the house have lost their jobs.

"The reason why this is a bill that's so hurtful to my community is many are just trying to sell their houses at the prices that the bank will allow. Many of them are short sales. Many of them are still in negotiations with the banks asking them to please allow us to sell it under the value that they bought it for just so they can keep their credit clean and not have banks go after them when they still don't have jobs. So to add this extra one percent when the banks are barely agreeing to sell some of the homes now, it really is going to hurt our economy in Ewa Beach and continue to hurt the families further in Ewa Beach."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, this is another measure I'm in opposition to. It raises general excise tax 1% and I think it will really increase the cost of our housing. It unfairly singles out the commissions of real estate people and also raises the Conveyance Tax. I think it's egregious and so I would encourage all persons to vote no. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition and just have a short explanation. Thank you, Mr. Speaker. You know in this market in real estate, those who are selling are selling for a reason. And a lot of them, because this is a bad market for those who are selling and it's a buyer's market to get things at a low price. So what you're saying is you're targeting this type of legislation to those who are selling properties right now until 2015. These are the folks who most likely have to sell their properties for one reason or another. One, they can't afford the payment on their properties, or two they have to get the equity out because maybe they can't make a loan.

"So those are the kind of people that you're going to go ahead and say if it's a $400,000 property or gross proceeds, they're going to have to spend another $4,000. If their property is underwater, that is another $4,000 that they're going to have to pay. Mr. Speaker, this is, to me, hitting those who are looking for ways to get out of not being able to afford their home in this kind of real estate market, as well as this kind of economy and I very strongly disagree with this bill."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote for me and a brief comment. Mr. Speaker, we have some good news that real estate is actually starting to turn around. There's a 10% increase in prices even though the number of sales is not so good. But if we remember 10 years ago, it was real estate that led the charge to get us out of the doldrums. Right now, if this is what's happening, this would not be the time to either suppress, dampen, or lessen what otherwise could be the beginning of another turnaround because if there is anything we need, it's a turnaround in our economy, and if this is going to affect that. We don't want to be a job killer and a economy downer. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. Brief comments, Mr. Speaker. First of all, this measure, if you actually read the bill it states very clearly that, there is hereby levied and shall be assessed and collected annually a privilege tax against a sole proprietorship, partnership, corporation, or limited liability entity that as a business or part of a business, sells real property owned in fee simple by the sole proprietorship, partnership, corporation, or limited liability entity to another person. The tax shall be equal to 1% of the gross proceeds received for the sale of the real property, less deductions for any, one, commission paid from the gross proceeds by the seller to a real estate broker or salesperson who is subject to the tax under Section 237-136, and two, tax paid under Chapter 247 on the conveyance of the real property.

"So I'm a little bit perplexed as to some of the comments that were brought by the Minority, particularly the Representative from Ewa Beach given the fact the fact that it doesn't necessarily apply to homeowners *per se*, but the type of business that you're in.

"Secondly and more importantly and I think that this really should be directed to the Representative from Ewa Beach, this bill goes directly towards infrastructure improvements. Infrastructure on West Oahu is something that we all need greatly, and all of the money, the proceeds that will be raised from this tax, would in fact go towards funding of infrastructure, whether its repair and maintenance, or new building infrastructure on all of the respective counties.

"For these reasons, Mr. Speaker, I stand in strong support."

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

"Mr. Speaker and Members, I want to disclose a potential conflict of interest. I'm a realtor and a principal broker," and the Chair ruled, "no conflict."

Representative Souki continued in opposition to the measure, stating:

"Thank you, very much. I want to record a no vote on this particular measure. Not only because it affects real estate, the LLCs, and transference of property, and I think that's you're just simply hurting business by doing that. We're supposed to be improving our image for business and this does not improve our image for business.

"And more important, I guess what we're doing is looking at ways to resolve the financial situation that we have. And as we look for a resolution it is somewhat of a *déjà vu* from the last Session. We're taxing little businesses, and little items here and there. We're getting a little bit of money here, and little bit of money there. We're not really resolving the deficit problem. We're not really resolving the economic situation that we have at all, but exasperating it. So I'm offended with something like this because I think we should be looking at the bigger picture. In due respect to the author of this bill, I think there are better ways to handle the infrastructure situation rather than providing this particular tax. Thank you, very much."

Representative Chang rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

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

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

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

Representative Pine rose to respond, stating:

"Thank you, Mr. Speaker. Just in rebuttal. I just want to explain to you, Ewa Beach again just so that people understand why after reading the bill very thoroughly, it still affects my residents. In Ewa Beach we have many homes that also are businesses. We're allowed in many areas of Ewa Beach to also have our businesses, and so this bill affects every aspect of the different types of businesses, as well types of living arrangements in Ewa Beach.

"And I have to tell you, infrastructure is extremely important to the people of Ewa Beach, however if we don't own a car anymore because we lost our job, if we don't have a house anymore because we're increasing taxes, and if we don't have a business, having infrastructure really means nothing when you don't really have much anymore because of the things we're doing to the people."

Representative Ching rose and asked that the remarks of Representative Souki also be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The Chair then stated:

"Members, may we move on, since by the end of Session, you will probably have an opportunity see a wide array of legislation like this in trying to address the budget shortfall."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1953, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Ching, Finnegan, Marumoto, Pine, Souki, Thielen and Ward voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 127-10) recommending that H.B. No. 2171, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2171, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 128-10) recommending that H.B. No. 2833, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2833, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 129-10) recommending that H.B. No. 2389, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 130-10) recommending that H.B. No. 2904, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2904, entitled: "A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 131-10) recommending that H.B. No. 2298, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 132-10) recommending that H.B. No. 2521, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2521, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY CAPABLE CONSTRUCTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 133-10) recommending that H.B. No. 2676, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2676, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 134-10) recommending that H.B. No. 2673, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2673, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was referred to the Committee on Agriculture, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 135-10) recommending that H.B. No. 2759, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2759, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, that one almost rolled by me. Mr. Speaker, on Stand. Com. Report 135, I'm a very strong no. I don't believe we should introduce gambling into the State of Hawaii or have it on Hawaiian Homelands. So a very strong no, Mr. Speaker."

Representative Ward rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I also rise in opposition to say that the means do not justify the end. It's a great cause. We want to fulfill what we said in the Organic Act of 1920. The Hawaiians will have a home, and Hawaiians will be put on the land. There's still a waiting list of 25,000. This is a quick fix. It looks like it's good, but let's take note of what's happening in the economy. There are so many states now that said, 'Gambling is our elixir to our budget deficits,' and those states even now are having problems. So this is just a phantom of a savior. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition. Mr. Speaker, I have had a long standing opposition to gaming for a number of reasons. Having a background in education and making sure that kids grow up in an environment where they know that there are places to go, where they can learn. A healthy environment.

"We know that from the data and from numerous other jurisdictions that when you introduce gaming, what it does is people think it expands the pie, but that's been proven false. It actually divides the pie. When people decide to spend their money, the tourists, etc., spends their money, the local resident, in this case. I know its Hawaiian Homelands, but they spend their money on something like gaming. I might add that the most important determining factor of success is a delayed gratification which goes flying in the face of gaming, but that's okay. It's delayed gratification. When you have gaming, what it does is it takes away from the income of legitimate entertainment and sometimes family entertainment like Bishop Museum, etc., etc.

"I understand when a place like Las Vegas where you have deserts; not much going on. But we're so rich here in Hawaii, rich in our culture, our heritage, our environment. I don't think we need to go this route. Thank you, sir."

Representative Manahan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please register a no vote for me and I'll just reserve my comments for Third Reading."

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

"Thank you, Mr. Speaker. In support. The purpose of this bill is to provide the Department of Hawaiian Homelands with a mechanism, and that mechanism is to allow the beneficiaries who live on Hawaiian Homelands to look at the way that gaming is done by the tribes in the United States.

"I had the privilege of going to Washington State to observe what federal recognition could do for indigenous people. In my research I was surprised because, and I'm not a gambler myself, but I have seen a lot of the benefits in regards to their gaming. They started with bingo, and through that bingo they allowed through the revenues that they reinvested in their community, they built their casino. And through those revenues they were able to build their hotel.

"But what impressed me the most is that this is a tribe that was able to improve their healthcare system. They have their own healthcare insurance. They have a beautiful medical facility, a health center. They promote the arts where there is actually entrepreneurship and the tribe has reinvested that money to encourage more small business owners which are native people. They also have Native construction owners and subcontractors where they're building affordable housing. But more importantly, they are the owners of their cable company, their telephone company, and their electric company and they produce renewable energy selling it outside of the tribe.

"One of the things that I felt so much compassion for is that it's not just their tribal people that go to the casino. It's also the people outside. And the way that they market it, because they realize there is a market for gaming, that actually enhance their quality of life.

"The other thing that I got to see was their social programs. Yes, everyone is saying that there will be social ills around gaming, but I can tell you that in their tribe, they're taking care of it because of the revenues that have been reinvested in their social programs. More importantly, during these economic times their unemployment is very low. Why? Because they're able to support themselves and be self-sustaining.

"Their food source is salmon so they have hatcheries, and they've invested in their natural resources where they actually produce revenue to support their tribe's efforts.

"More importantly, the reason that I brought this forward, as the introducer of this bill, is because I look at the state of our crisis now with our budget. We have to ask ourselves as we deliberate during this Session. I had many conversations across this State with many groups, not just Native Hawaiians. Are we going to tax our people to fulfill the mandate that the State has a fiduciary responsibility to assist putting more Native Hawaiians on their land?

"Even during a question and answer period at our hearing I asked the Department of Hawaiian Homelands, 'How many of our people are on that wait list?' And this is just the fifty percenters or more. He said, almost 26,000 people are on that wait list. I also asked a question, 'How many people are you able to help with the $30 million allocation which was as a result of a lawsuit which goes away in 2015? How many people have you folks been able to put on the land?' And he said it's an estimate between 500 and 1,000."

Representative Shimabukuro rose to yield her time, and the Chair "so ordered."

Representative Carroll continued, stating:

"If you do the math, just based on that 25,000, then you're only going to be able to put maybe 1,000 people for 25 years, and that does not include the many more people that are signing up. It's between a hundred and two hundred every month that people are signing up.

"We have a lot of other Native Hawaiians who are more than half that live in the United States who are looking forward to coming home, especially in their retirement. If you look at the case that just occurred which was the Kalima vs. DHHL, that started in 1999. But the Court ruled that the State must pay damages to Native Hawaiians who are denied access to land with the first official confirmation that thousands of families were harmed by the decades-long delay in distributing homesteads.

"Circuit Court Judge Eden Elizabeth Hifo ruled that the State Department of Hawaiian Homelands is required to place Native Hawaiians on lands set aside for them by the federal government in a prompt and efficient manner.

"I can tell you, my parents took 25 years just to get on their lands. My father is not here today to enjoy it. There are many other Native Hawaiians who fall in that category. We are not actually following our mandate or what the State says in the State Constitution where we have that fiduciary responsibility.

"Members, I'm just really asking you to see the discussion as I put a defective date on this bill to take this bill to Conference to allow for the Department of Hawaiian Homelands to have a meaningful conversation with each of their beneficiaries, and how they can raise money for their Trust. Because if you really look at it, once the $30 million goes away in 2015, they will be coming to the State and that would hinder a lot of our social programs that we will have to look at. And today, the way I see

things, we need to be creative and everything's on the table. But if you vote no today, you're really saying you don't want that meaningful conversation.

"I respect my colleagues if you are against gaming. All I'm saying is that there are great models on the mainland. I have been to the Tulalip Tribe in Washington State. I've seen what they have done, and I've seen more positive things. They take care of their social programs because they have the revenue to do so, and their unemployment is much lower. But what I think impressed me the most is when meeting all the people there, that they're very happy and it is possible. So I ask your indulgence to please support this measure and see it through. Through our conversations that we allow the homestead beneficiaries to have that meaningful conversation, because this doesn't force them to have a casino on their homestead. This allows them to decide if its best fit for them.

"And my last point is, I'm not looking at a Las Vegas type of model because I know that the Las Vegas type model doesn't fit Hawaii. I'm looking for a uniqueness where it promotes construction jobs, it'll promote education on our culture, and about Hawaii. And I'd like to see more of our artwork that Hawaiians have done in some of our public places and this is an opportunity for small business entrepreneurs who are Native Hawaiians to provide this kind of avenue. Again, I ask for your support. Thank you."

At 12:55 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, I'm always a little amused when somebody says that we don't want to bring gaming to Hawaii. It's like anybody in this Chamber doesn't think that gambling isn't widespread in this State. If we could get a cut on all of the thousands and thousands of dollars that are going to be wagered Sunday on the Super Bowl, it will certainly improve our economic condition. Thank you."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker, still in opposition, strong opposition. And you know it reminds me when the British sold opium to China. Opium brought down China, right? So when you make something legal, it can bring down great nations. A 5,000 year-old civilization. You have a little and then you want more, right?

"The fact is that with gaming, if you do look at Las Vegas, and I've actually been there, it very much has a lot of things of art. The Bellagio has the beautiful glassworks, so I don't know what the former speaker was talking when she says she wants to do it different from Las Vegas. Las Vegas is sort of this gold standard for gaming, I think. Most people believe that.

"The problem with gaming to me is that when you talk about social ills, it's easy to say I know about the social ills. But we all know that we're all connected, and everything is connected. And when we talk about social ills, few places have the history of the extent of crystal methamphetamine addiction that Hawaii has suffered. I want to make it real for everybody because I think it's real. When you think about gaming and when you have, if you know there is a Gambling Anonymous. There are some people who cannot help themselves. They need to keep on gambling to the point where their kids, their families, are abused. Their kids are left with no money. But to make it very real for you, it wasn't far away from here that a young one was thrown off the freeway because in part, of crystal meth.

"You know this is such a real problem. Hawaii has so much more going for it. And just really as a parent, as a teacher, we are always trying to tell the kids to spend their time wisely. Let's encourage that. You have public television. It's just like television. Not all television is bad. There's public television. Why go the route of *Girls Gone Wild*? Why go the route of the other lower standard of television? Why go that route when Hawaii has so much to offer. That's what I say. And as you can see, I very strongly oppose this."

Representative Aquino rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 2759 HD1.

"I believe that this bill has good intentions in supporting the Department of Hawaiian Home Lands Trust Fund and the general fund with generous distributions through a wagering tax on gross receipts of proposed casino operations. However, the proposed legislation has several consequences. First, those who may or cannot afford to gamble may be exploited in the hopes of winning – where winning is not guaranteed. Secondly, negative socioeconomic issues such as physical and mental health problems, criminal activity, abuse, and bankruptcy are likely to increase. I believe that allowing gaming to happen in Hawaii will drastically and negatively affect our island communities. For these reasons, I stand in opposition to House Bill 2759 HD1."

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

"Mr. Speaker, with reservations. I believe in the responsibility of the individual. So whether it's gambling or eating ice cream on school property, it's the responsibility of the individual and that's what we need to be raising in Hawaii."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

"Thank you, Mr. Speaker. I stand with grave reservations. For every successful Indian gaming operation, I'm sure that there are lots of failures too. So we need to look at both sides."

Representative Takumi rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just a no vote. I would like the next Committee, as they look at this bill, to remember, if you look at the State of Nevada, which is facing a billion dollar deficit largely out of Clark County where Las Vegas sits, and the unemployment rate currently in Las Vegas is over 13%. So I wish the next Committee would take a look at that."

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

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

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

Representative Ward rose to respond, stating:

"Mr. Speaker, I just want to add two comments. I already voted no actually. First, I want to commend the Chair. I wanted to commend the Chair because with that compassion and that plea, if that would have been the tone of this Body for the past 80 years, we wouldn't have the problem with Hawaiian Homes that we have. So I want to commend the Chair to keep that spirit, because that's why we dropped the ball on Hawaiian Homes. But we should also recall over the last 80 years, in the last 8 years, the number of homes that have been built in the last 8 years equals what has been built in the last 80 years, so we're making some progress.

"And secondly, Mr. Speaker, the footnote is this. This does not only affect Hawaiians. It affects everybody in Hawaii. All of us. Not just the Hawaiians. Thank you."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I commend the Chair for putting such a controversial issue forward, but just advise that we proceed with some caution. I vote with reservations, please."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote and just short comments. Thank you, Mr. Speaker. I know a lot of people have been talking about the 'good and bad' of this, and I agree with one of the earlier speakers saying that there are a lot of tribes up there on the mainland that have their issues with gaming as well. I talked to many who have been at legislative conferences that have a lot of social ills. That they're rich in gaming and poor in infrastructure, and poor in education and a lot of other things so we definitely should keep our eyes open on that.

"I also want to say that the Department of Hawaiian Homelands, if I remember correctly, at one point in time, within the last couple of years, they went from $6 million of commercial type special funds increase to about $12 million. So that's almost half of what the Department runs on right now. I think that we should be looking at ways where we can be increasing income for the beneficiaries to have homes for them, but in the same breath, maybe we can do it in other ways, creative ways like the Department is doing right now. Thank you."

Representative Carroll rose to respond, stating:

"Thank you, Mr. Speaker, just a little rebuttal. The comment was made about this being for all people. Just to let everyone know that this bill, should it become realized, 20% would go to the general fund as far as the revenues, and 80% would go in the trust fund.

"And the second point that I wanted to make, Mr. Speaker, again is, what is the cost to the State if this form of revenue making does not take place? If we look at what happened in the Kalima vs. DHHL, they have not settled yet. In an article with the *Honolulu Advertiser*, our Attorney General says that he has to think about what the next steps are. It's very frightening to know what that settlement would be and if there will be other claims in the future, because the Department of Hawaiian Homelands which has made great strides to be progressive in raising those revenue, but again the cost of building homes and infrastructure is going up. I'm just looking at a long term vision. If gaming is not it, that's fine. But we all must figure out how we are going to fulfill our mandate in our Hawaii Constitution.

"Also along those lines there have been some, I guess I could say, lawsuits in regards to how the lands are being used; if it's being used with commercial leases to non-Hawaiians. Those are some of the complaints that beneficiaries feel that are taking away from their ability to get on the land.

"So the only thing I'm asking here is really to allow for this discussion to take place. To look at ways to raise revenue and to fulfill that mandate, but also know that in the past it was not as progressive because we did not have the funds and that's why many of our people have died while they were on the list. So I appreciate the conversation. Thank you."

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

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

"Yes, Mr. Speaker, I'm supporting the Representative's proposal. It is almost kind of a relief to have somebody else taking the heat for proposing something that seems to be progressive or unusual. But I do recognize her sincere desire to do something different and do something that will allow for self-determination of the Hawaiians. Her positive experience with gaming with the Indian tribes on the mainland is something we need to take a look at. This is just giving the Hawaiians the opportunity for them to decide if they like to do this for themselves on their lands.

"This is something that we need to look at ourselves, and within ourselves as well. How do we look at ourselves and what do we do to start looking at different ways of bringing in funds? Because right now, we're all in the same boat. We're all facing the same kind of issues and if they have this extra opportunity and they can take a look at it, and they can decide how they can make it their own, then by all means, let's give them that opportunity. Thank you, very much."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Ching, Finnegan, Manahan, Marumoto, Takumi, Thielen, Ward and Yamane voting no, and with Representatives M. Lee and McKelvey being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 136-10) recommending that H.B. No. 2672, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2672, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 137-10) recommending that H.B. No. 1899, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 138-10) recommending that H.B. No. 2641, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2641, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 139-10) recommending that H.B. No. 2365, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2365, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Higher Education, with Representatives M. Lee and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 140-10) recommending that H.B. No. 2556, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representatives M. Lee and McKelvey being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 141-10) recommending that H.B. No. 2376, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 142-10) recommending that H.B. No. 2377, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 2376, HD 1, and H.B. No. 2377, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"I just would like a ruling on a potential conflict. My offspring works for the Board of Education. And Mr. Speaker, can your ruling cover all matters relating to the Board?"

The Chair responded, stating:

"No conflict because of your offspring. And yes, it will cover all at this point in time. Madam Clerk, please note for the record that for all measures dealing with the Board of Education, the Representative has asked for a ruling of a potential conflict and there is no conflict."

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

"Yes, Mr. Speaker and Members, on the same measure, Stand. Com. No. 141-10, I'm sorry for being a little bit late on this, but I have strong reservations. I believe that the Governor's Office is already too centralized and this is only going to make it more centralized. Thank you, very much."

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

"May I speak on Stand. Com. No. 141? Thank you, Mr. Speaker, I will make this very quick. On SCR 141, I do support the bill. I just wanted to voice my preferences that, as the Representative from Maui was talking about, the control being too strong with the Governor. I would like to also say that I believe that we do need a more direct and clear accountability and responsibility for the Department of Education or our education system here in Hawaii. These comments go to both Stand. Com. Report Nos. 141 and 142.

"Mr. Speaker, this is not the end all. I believe that there's no one thing that is going to change education and do education reform, but I do believe that we do have mechanisms in place that if we strengthen them, what was in Act 151, that we would be able to get the decentralization that we want. Have accountability and decentralization.

"So the preference that I would like to see is that there is no Board, and the Constitutional question to have the Board be replaced with a Superintendent under the Governor in her Cabinet. But at the same time we need to develop and strengthen Act 151 to get decentralization and more decision making down to the school. That goes for both of those bills. Thank you, very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2376, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused; and

H.B. No. 2377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 143-10) recommending that H.B. No. 2315, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2315, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations on Stand. Com. Report No. 143-10, Relating to the University of Hawaii, basically taking the TIM School and making it separate. Mr. Speaker, my wife is a TIM graduate and throughout the years it has always maintained its really top-notch status. It's always been up there with Cornell and the others. We're in the top five in the nation. What this bill does, I'm not really sure what it's trying to do by making it separate, equal or more able to get funds or whatever. But it seems to be that it's not broken given its national standing, and if it's not broken, I'm not sure why we should be fixing it. So this is a questionable bill. Thank you, Mr. Speaker."

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

"In support. The TIM School is separate right now. We don't want it going into the Business School. Through the Hawaii Hospitality Hall of Fame we raise a lot of money for TIM. If it goes into part of the School of Business, I'm not going to do it anymore."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII SCHOOL OF TRAVEL INDUSTRY MANAGEMENT," passed Second Reading and was referred to the Committee on Higher Education, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 144-10) recommending that H.B. No. 2317, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2317, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 145-10) recommending that H.B. No. 2783, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2783, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. No. 145-10, I would like to vote with reservations. May I say a couple comments? This is a bill that would repeal the sunset provision for a general excise tax exemption. I think our financial climate as a State should be considered in awarding further tax exemptions. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 146-10) recommending that H.B. No. 2526, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2526, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 147-10) recommending that H.B. No. 2491, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2491, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 148-10) recommending that H.B. No. 2319, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2319, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. 148-10, please note my reservations. Should this bill make it out of Finance, I will reserve my comments for then. Thank you."

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

Representative Finnegan's written remarks are as follows:

"I stand in support of HB2319. This bill generally restricts State low-income housing leases to no more than 5 years and requires the Hawaii Public Housing Authority to develop a transition plan, including benchmarks, to assist tenants to transition out of public housing.

"I agree with the goal and intent of this legislation. Programs need to be in place in order to help people transition from low-income housing into long-term, stable housing situations. I also believe that to achieve the intent of this legislation, we should consider future legislation that enables residents of low-income housing to own or rent. Once again, I support this legislation as it underscores the notion that low-income housing was intended to be transitional, not permanent."

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

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

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

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

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

"I rise with strong support for this measure, Mr. Speaker. This is the 5-year maximum for public housing. I look at this as a bill of equity and fairness. There is a lot of support for those people that have been in public housing for generations. However, there is no support for those almost 100,000 local residents who are considered the 'invisible homeless,' or the 6,000 that are on the waiting list to get public housing. And there are a lot of residents in this State, Mr. Speaker, that would double up with families because they have no place in public housing. There are those people that are making minimum wage that barely have the means together, but yet they would like to go to public housing.

"It's nice to be in public housing, Mr. Speaker, because you may only be paying $50 a month for rent. But how about those people who go and work every day and make the minimum amount and yet pay taxes. They could also use the benefit of public housing. I think public housing should be transient housing to give equality and fairness to all the people of Hawaii. I want to let you know that they have a preference for homeless at any given day at a homeless shelter, Mr. Speaker, because I visited them, 60 to 90% of those people that we're fast tracking into public housing are not local residents. And we know who that class of people are, Mr. Speaker. This bill will provide equity to our citizens who have worked and lived and paid taxes in our beautiful State. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 149-10) recommending that H.B. No. 2628, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2628, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 150-10) recommending that H.B. No. 2670, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 151-10) recommending that H.B. No. 335, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 335, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, brief comments in support please. Thank you. Mr. Speaker, this will set up an automated victim notification system whereby the victim can give her telephone, or her email address, or her 'snail mail' address to the Department and then the victim will be notified when the felon has escaped, or is discharged, or is released on temporary leave. It's a safety matter Mr. Speaker, and I believe it's a very good bill and deserves to pass. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representatives Takumi, Chang and Rhoads, for the Committee on Education, the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 152-10) recommending that H.B. No. 2076, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committees was adopted and H.B. No. 2076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 153-10) recommending that H.B. No. 2125, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2125, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. I have strong reservations on this bill concerning plastic bags in markets. I said 'with reservations' but I will be voting no. I also have reservations. But it's just that my grocery bill is sky high and there's only me and my husband. It's going up all the time and so I think this will increase cost to me and everybody who eats. I think we should go slow on this to perhaps consider it when the economy improves. Thank you."

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

"Mr. Speaker, I agree with the previous speaker. I vote with serious reservations because we should be putting Hawaii's families first. The cost of living is already high upon them. The first thing that families fight for is money. The first thing that we know, we've got domestic violence that's reaching out. I know that this is not a direct correlation, but it's all these small little things that we 'nickel and dime' the people of Hawaii for, forgetting that the family and all the aloha that we want for them suddenly disappears by this piecemeal method.

"So, Mr. Speaker, this is very questionable. It's more money than the bottle bill, quite frankly. It's 10 cents for one bag. I think the constituency is going to blow back on this one. Thank you."

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

"I have strong reservations."

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

"Yes, Mr. Speaker, on Stand. Com. No. 153-10, I have strong reservations on the basis that it will increase the cost of doing business, and I think we can look for better ways to resolve this plastic problem rather than increasing the cost of doing business in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Marumoto voting no, and with Representatives M. Lee and McKelvey being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 154-10) recommending that H.B. No. 2990, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2990, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 155-10) recommending that H.B. No. 2265, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 156-10) recommending that H.B. No. 2982, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2982, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WARRANTS ISSUED BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 157-10) recommending that H.B. No. 1915, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

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

1915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ASSET BUILDING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 158-10) recommending that H.B. No. 2976, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2976, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERDEPARTMENTAL COUNCIL ON EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representatives M. Lee and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 159-10) recommending that H.B. No. 2344, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2344, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict. I'm a member of the Hawaii Army National Guard," and the Chair ruled, "no conflict."

Representative Takai continued in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'd like to speak against this measure. Thank you. Just briefly, Members, this proposes to eliminate the uniform maintenance allowance from the Hawaii National Guard. I only caution us as we move this forward because it just sends a really strong message of not supporting the Guard. You may know, or you may not know, that because of the budget crisis, the Adjutant General, General Lee, has made significant reductions and restrictions in some of the benefits that we have for many years provided members of the National Guard, including the State sponsored tuition assistance program, gone. And including this uniform maintenance allowance, gone.

"What I would recommend is we keep this on the books and when times get better we continue to support our Guard members in this way. So for those reasons, I don't support it and I recommend to Finance and my colleagues that we take a look at this as it moves on. Thank you."

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

Representative Ward rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

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

"Mr. Speaker, I'm standing in support. In researching this issue on uniform maintenance allowance, there was a lot of discussion about how long it's been on the books. In the old days the uniforms were such that they had to get them dry cleaned and pressed, but nowadays they're 'wash and wear.' So what was a very good idea in some ways is not necessary anymore. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE ALLOWANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 160-10) recommending that H.B. No. 2503, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives M. Lee and McKelvey were excused.)

THIRD READING

H.B. No. 1853:

Representative B. Oshiro moved that H.B. No. 1853, pass Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker and Members of House, I wish to declare a potential conflict of interest. I'm a member of the Board of Directors of Maui Soda that produces Roselani ice cream. Mr. Speaker, I want to say I was going bring some over, but I don't know if I'm going to bring it now if we vote against this. Thank you, very much," and the Chair ruled, "no conflict."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm voting in opposition. You know, it's kind of funny because if you talk to my kids they'll probably be very surprised as to why I'll be voting against this. In my home we have no soda. In my home we don't have any juice. In my home we rarely have any candy. And in my home, if we do have ice cream, we have Skinny Cow ice cream. They tell me about how we eat cardboard all the time, but now they like the cardboard.

"So you might ask, why would she be against this? I allow my kids to eat candy and potato chips, but I tell them, not at home. If you do you choose you're going to buy your own. We're going to buy it outside. We might have a hamburger outside, but when we're at home we should really try to eat healthy because that's the responsible way of caring for yourself and others within the house. So we try very hard.

"The problem I have with this and legislation like this is that it doesn't necessarily help the student or people make the right decisions. In fact, when we first started with my child and saying, 'No you cannot eat any candy,' he used to sneak candy and that's what kids do. They'll go right outside the gate to the *manapua* man.

"It also makes it very difficult for kids, or parents, or teachers for a birthday celebration, or you did well on your test. Or maybe the teacher may just want to say, here's a candy, a somewhat healthy kind of candy and I'm going to incentivize you with that. I probably wouldn't like that either, but it works for some kids.

"What we're saying here is, 'No. Absolutely not. Do not give the students the ability to learn about these choices.' That's one of the main reasons why when it comes to these kinds of laws, I have a difficult time.

"Let me even share another story really quick. When I was having trouble and the pounds on the scale were going up, and it goes up and down all the time. But I went to Weight Watchers and Weight Watchers didn't necessarily tell me, 'No. You cannot have soda. No. You cannot have all of those things.' What they do is they teach you how to make healthy choices and they tell you that if you're going to have this, then you can't necessarily have this. And when you eat one little thing of candy, it's equivalent to two huge servings of broccoli. What's going to sustain you better and give you nutrition?

"So, Mr. Speaker, this kind of law, although very well intentioned, and I can agree with the premise and the motivation, I just can't see passing this kind of legislation. Thank you."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, thank you very much. I wasn't too sure if I was going to accept the speech of the Minority Leader as my own. I don't think you can assume that much as we move along.

"First of all I oppose this measure. Mr. Speaker, it's not because I represent a business that produces the finest ice cream in the Nation. Sorry, I didn't mean to advertise. But to take away ice cream from a child, I can't see anything more unforgivable than that; to take ice cream from a child.

"I remember when I was in public school, I looked forward to that day when ice cream was served, and a child won't have that opportunity. Probably at home they don't serve ice cream, and in a lot of the homes, or for the homeless, or the unemployed. But anyway, the choice should be for the child.

"What is even more disturbing is we are again making policy for the Board of Education. This decision should be with the Board. My understanding is they contacted the Chairman to put the legislation through because they didn't want seem to be like the 'Scrooge,' so now we become the 'Scrooge.' We tell the children, 'You can't have ice cream.' The principle of policymaking should be by the Board. We gave them that policymaking power some years ago.

"To deny a child something should not be our role. It should be the role of the Board of Education, and I believe they can do that either through rules or through the policymaking powers that they already have. Thank you very much, Mr. Speaker."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you. First I spoke to my constituent here watching me today, and he thinks that I'm crazy if I'm going to support this measure.

"Seriously, Mr. Speaker. Before I begin, I just want to mention that I do not like ice cream and I do not eat candy. I look this way for other reasons. And that is the truth, Mr. Speaker. But let me just explain my concern. If you take a look at the intent of the federal law in Section 1, it talks about the school day. This federal law requires certain practices and policies for schools across the country during the school day. And I brought up during the Education hearing that my concern is really with after-school activities, namely athletic events. Can you imagine, Mr. Speaker, a football game at the Bino Neves Stadium in Pearl City, where they will be because of this law, restricted from selling certain things?

"I think we need to take a look at this law very carefully because nowhere in Section 304A-1146 does it say that this restriction is just during the school day. In fact it says it shall be lawful for any public school. And as we know, smoking on school campuses, the prohibition on smoking on school campuses is not just during the school day. It's for all activities related to schools, whether it's a political fundraiser or a community event or an athletic event coming on to the school grounds. It is illegal. I look at this and I do not see any exceptions to these types of sales after school hours. That is the reason why I am very concerned about this measure. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I think some of my colleagues are misreading the bill. This bill does not ban the sale of ice cream or candy in the State Capitol so I wouldn't worry about that. So you can still partake in that. And as I look around at some of the Members, I can see they take full advantage of that fact. But I digress, Mr. Speaker.

"I wish my good friend, the Representative that neighbors me in the following district, actually read the bill. Section 302A-1146, it shall be unlawful for any public school without the written permission of the Department to operate stores or to sell merchandise, and so on, and so forth.

"In other words, Mr. Speaker, the Department grants exceptions to sell these items at athletic events, as they do. They sell soft drinks at athletic events even though it is the Board's policy that soft drinks are not sold in vending machines in school, they have granted an exception to certain events that are either held at school campuses or outside of that.

"Secondly and more importantly, should this bill pass, the Department shall adopt rules subjected to Chapter 91. In other words, if this bill should pass and get signed into law or become law, the Department will have to go and promulgate rules and at that time, as we all know with Chapter 91, they'll have public input and so on and so forth. I can assure you when people are told that this will impact fundraising and athletic events and all the rest of it, they will certainly take that into account.

"But in all seriousness, Mr. Speaker, I think we all realize that juvenile diabetes or prediabetic children in our country is not just a minor problem. It is an epidemic that is going to have a huge health and fiscal impact in our Nation in the years to come. That is why the United State Department of Agriculture has promulgated a Public Law that basically says that schools should not sell foods or serve foods with minimum nutritional value. Now I guess we can argue whether or not candy and ice cream and those items have nutritional value, but that is the Public Law as the Feds have cited.

"So again, in all seriousness, vote your conscious on this one. I didn't realize this was going to be such a controversial bill, but again, the Department will have to promulgate rules to determine if, when and where these items can be sold. Thank you."

Representative Yamane rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am standing in opposition. I do eat ice cream and candy, and I enjoy it very much. But that's not why I'm standing in opposition. Mr. Speaker, I think in regards to looking at this issue, I go back to what the good Chairman of Transportation, the Representative from Maui stated. This should be done at the Board level. I think it should be done opposite. That if individual schools want their school or their programs to have no ice cream or candy, that the request should be on their part requesting the Department to allow them to ban it or not serve it on their campuses, rather than us making this policy call. Eliminating that option and then having the Department with the discretion to decide if a school, or schools, or district is allowed to have it per event or activity. Thank you, Mr. Speaker."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, this bill is micromanaging. It's dithering with education policy and it deserves to be postponed indefinitely until we get our kids back in school."

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

"In strong support. Once again, as the Chair of Education has talked about, all we're doing is we're giving this option to the Board and to the

schools to decide what they want to do as far as making these things available.

"Kids at this age do need to have healthy choices put before them, and the Department of Education has come up with 'Eat a Rainbow' that actually looks at providing fresh fruits and vegetables. If we start providing that, if we start giving them those choices that they can choose from, they will. They will choose healthy foods. They will find the great taste that comes from fresh fruits and fresh vegetables.

"Yes, yes, I know it seems unusual, and maybe something just couldn't happen. But it will if we start making those changes now. If we start making those choices available now to the kids, and what we're proposing with this particular measure is just that we make those choices as one of the things that they need to look at. We need to start sometime and this is a good start. Let's begin by getting to a healthier lifestyle and it is going to be the kids that are going to be the ones that learn, and they're going learn because we give them the choices that really are healthier. Thank you."

The Chair then stated:

"Members, may we proceed on since we have had a lot of discussion on this measure? For those who have submitted your green slips, that's fine. For those who want to speak with reservations or to cast your vote with reservations, you may do so now. I believe the Finance Committee has a hearing at 1:30 so we're already 10 minutes behind schedule. At this time the Chair will allow Members to submit written comments for or against, since this is Third Reading."

Representative Cabanilla rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"I agree with the politics of the Chair of Health, Mr. Speaker. These types of decisions should be done by the DOE and not the Legislature.

"Furthermore, the removal of candy and/or ice cream in schools robs one of the pleasures of being a child. Anything in excess is the problem – not the candy or ice cream."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of H.B. 1853 – which prohibits the sale of ice cream and candy by public schools in conformance to the State of Hawaii wellness guidelines.

"It is time that we guide our children towards making better choices. With illnesses such as diabetes directly resulting from sugar intake, we need to discourage students from consuming these products that could later harm them.

"While I support the Department of Education's wellness standards which are designed to "meet USDA authoritative guidelines for healthy food choices and nutrition education" and vote for this measure to encourage healthy food choices, I sincerely hope the DOE and rule making authorities will maintain flexibility in regards to unusual circumstances and afterschool activities. Thank you."

Representative Belatti rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in opposition to House Bill 1853, which disallows the sale of ice cream and candy by public schools. While I understand and appreciate the health motivations behind this measure, it is discouraging to me that this Body, at this time, is tackling this as the first education issue while our public school students are missing vital school days because of the furlough policy adopted by the Board of Education, the Governor, and the Hawaii State Teachers Association. Moreover, the Board of Education, the Department of Education, and individual schools, through their own rules and decision-making processes, could limit the harmful effects of the pervasiveness of ice cream and candy on school campuses by the purchasing decisions made without the micromanaging interference of the Legislature on this matter."

The motion was put to vote by the Chair and carried, and H.B. No. 1853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Third Reading by a vote of 33 ayes to 15 noes, with Representatives Belatti, Cabanilla, Carroll, Chang, Finnegan, Keith-Agaran, Manahan, Nakashima, Pine, Sagum, Souki, Takai, Tokioka, Ward and Yamane voting no, and with Representatives M. Lee, McKelvey and M. Oshiro being excused.

H.B. No. 1900:

Representative B. Oshiro moved that H.B. No. 1900, pass Third Reading, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. Being a veteran of Operation Iraqi Freedom and a Major serving in the Hawaii Army National Guard, I wish to offer comments in support of House Bill 1900.

"The purpose of this measure is to recognize the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classifications for military personnel. This measure further proposes to use official designations and classifications established by the US government to enable processing of POW and MIA personnel in a timely manner.

"The reality of war is that we need to address these difficult situations. I feel that it is important that the State of Hawaii recognizes these designations as valid descriptions of casualty status and classification. Doing so will give these war heroes and those they have left behind the recognition they all deserve. This will also give us as a grateful people the opportunity to honor the men and women who have sacrificed so that we may continue to freely live.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

At 1:37 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:38 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.B. No. 1900, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Third Reading by a vote of 48 ayes, with Representatives M. Lee, McKelvey and M. Oshiro being excused.

At 1:39 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1853
H.B. No. 1900

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 25) and concurrent resolution (H.C.R. No. 65) were referred to Printing and further action was deferred:

H.R. No. 25, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was jointly offered by Representatives Mizuno, Brower, Chang, Har, Herkes, Manahan, Shimabukuro, Tsuji and Yamane.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was jointly offered by Representatives Mizuno, Brower, Chang, Har, Herkes, Manahan, Shimabukuro, Tsuji and Yamane.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, as we know APEC is coming to town in November of 2011 with 21 countries and 63 ministers. One of those countries coming is New Zealand, which February 6th, tomorrow, is its independence day. Since February 6, 1840, they have had freedom from Britain, and 500 Maori chiefs signed that treaty. Additionally we should know that New Zealand had the first women's suffrage in the west in 1893, Mr. Speaker. Thank you."

ADJOURNMENT

At 1:40 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, February 8, 2010. (Representatives Chang, M. Lee, Manahan, McKelvey, M. Oshiro, Sagum, Tsuji and Wooley were excused.)

THIRTEENTH DAY

Monday, February 8, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Chaplain (Lt. Col.) Timothy Walls of Schofield Barracks, after which the Roll was called showing all Members present with the exception of Representatives Carroll and Sagum, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 171) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 171, dated February 4, 2010, transmitting the Department of Land and Natural Resources' report On Land Dispositions Made Of Public Lands For Calendar Year 2009 as required by Section 171-29, Hawaii Revised Statutes.

INTRODUCTIONS

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

Representative Wakai introduced the 4th grade students of Moanalua Elementary School and their teachers, Ms. Doris Boushey, Mr. Robb Taone, Mr. Joseph Boll and Ms. Colleen Diorec.

Representative Finnegan also welcomed the students and teachers of Moanalua Elementary Schools and introduced their chaperones, Mr. Mark Kido, Ms. Wendy Hadano, Ms. Jasmin Maeva, Ms. Angelina Evangelista and Ms. Kelley Toor.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
1366	Committee on Health, then to the Committee on Finance
2736	Committee on Finance
2902, HD1	Committee on Legislative Management, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 161-10) recommending that H.B. No. 2484, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2484, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 162-10) recommending that H.B. No. 2642, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2642, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 163-10) recommending that H.B. No. 2548, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2548, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 164-10) recommending that H.B. No. 304, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representatives Ito and Manahan, for the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 165-10) recommending that H.B. No. 2923, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2923, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 166-10) recommending that H.B. No. 2909, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2909, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 167-10) recommending that H.B. No. 2706, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2706, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 168-10) recommending that H.B. No. 2263, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2263, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 169-10) recommending that H.B. No. 1993, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1993, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 170-10) recommending that H.B. No. 1996, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1996, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DNA ANALYSIS FEE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 171-10) recommending that H.B. No. 2248, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 172-10) recommending that H.B. No. 2079, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2079, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2079, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 173-10) recommending that H.B. No. 2429, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2429, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 173, I'd like to make some comments with reservations. Thank you, Mr. Speaker. Regarding SCR 173, this is public employment and separation incentives having to do with the ERS. It's estimated that it will increase the already unfunded liability in the ERS by putting forward this piece of legislation.

"My caution is this, that over the years we knew that it was going to be really difficult for us to get that unfunded liability down and so we, the Legislature, already passed a 3-year moratorium on any kind of increase in benefits or changes that would increase the cost of the ERS System. Within the last couple years, we've seen other types of legislation like those who work with the 911 calls and, I can't remember what their positions are called, but they answer the phones for 911. They're under really high stress situations. When I was in the Public Safety Committee, we were looking at how we could include them in the '25 and out' and some other things that would help benefit them. It's a very difficult decision to say, 'No, we are going to treat you the same.'

"But we don't. Because they're under so much stress and they're part of emergency services that we want to treat them the same as the fire fighters, the police, the ambulance employees, and all of those other categories. But the problem that we're facing is we have an unfunded liability in ERS and so we passed out this three-year moratorium.

"I looked at who were the supporters and who were against it. I didn't see any of the labor unions in support of this. My guess is that the three-year moratorium was a combination of the whole Board, which also has labor represented on there, that if we don't take care of the problem of the liability, then it affects all of the people who belong to the ERS System that will be retired under this System.

"And so as we move forward there are many people who deserve the benefits of a changing ERS System, but we just have to take care of the responsibilities that we have now before we look at increasing those responsibilities for others. So these comments actually pertain to both this bill, as well as I believe the next bill. I'm not sure. I'll stand up if does. Thank you, Mr. Speaker. With strong reservations."

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

"Mr. Speaker, I rise in support. Just a couple of items. The first one is I do note that in the Standing Committee Report 173-10, that the Hawaii Government Employees Association supported this measure so there is a union that has spoken up on this issue.

"But I would like to comment on the real guts of this legislation. This is giving the Executive Branch another tool in their bag to look at how they're going to deal with reduction in force (RIF) and the possibility of having to downsize government now and for the future. We have an amazing workforce, a great workforce here in Hawaii. The 'baby boomers' have been in their positions for many years, many of them for probably over 25 years. It's not uncommon for the private sector to use this type of strategy when they're looking at changing and reorganizing themselves to do this 'early out' type of package of retirement or incentive package for employees.

"I want to note to my colleagues that in the bill on pages 7 to 10, there are definitely guidelines that I really think are important to mention. We are actually telling the Department of Human Resource Development, and Budget and Finance to work at developing guidelines and a timeframe. So I think it'll take a little bit, even if we were to pass this, it's going to take a

little while to put this in motion. There will be a lot of opportunities for people to give input on the guidelines and how we would implement a program like this. So I rise in strong support. Thank you."

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

"Mr. Speaker, I rise with reservations. I would give the exact opposite argument saying that instead of spending money on training, let's keep those who know, and those who are there. In fact the whole HRD trend in the Nation is to hold on to those older workers. Get more out of them. Don't switch over. We probably gain more by keeping them longer rather than paying more now when we don't have the money to get them out early. Thank you."

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

"I have reservations on this measure and a comment on Stand. Com. Report 173, that it will increase our $6.2 billion unfunded liability in the ERS."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2429, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 174-10) recommending that H.B. No. 2919, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2919, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you Mr. Speaker, with reservations. And please note that my reservations are of the same nature as the previous measure. The ERS testifies that this will increase the $6.2 billion unfunded liability as they have testified, and my concerns are with that moratorium that we are also going against. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2919, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 175-10) recommending that H.B. No. 2202, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2202, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2202, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 176-10) recommending that H.B. No. 2257, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2257, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 177-10) recommending that H.B. No. 2964, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2964, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker and Members, I wish to vote on this measure with strong reservations. Hopefully the Finance Committee can look at this similarly. I don't think it is warranted for the House who already has taken a cut, or the Legislature for that matter. We're going to take another one again. We cut another 8% from our budget. The history of the Legislature has been one where the raises that we have had have been few and far between. Some of them took almost 20 years before we had any.

"To continue to go beyond our share, I believe, solves nothing. This certainly will not solve the budget problem. It says here that the State is facing an increasing amount of deficit. This won't solve the deficit problem. We're looking at $1.8 billion now, from $1.2 billion up to $1.8 billion. That's how rapidly it's increasing.

"So with this in mind, if we're going to do this only for perception purposes, I think it's the wrong thing to do. If this was going to solve the problem of the deficit, I would vote for it, but it's not the intent for this bill here. I don't believe they want a 5% cut, those who are opposed to the raise that we had. They want a 100% cut of the raise that we got. This will not satisfy those people who are speaking against the raise that we had last year. They want us to take it all away and so we are just playing into their hands, bit by bit. Bit by bit. Because all we're thinking about is the next election. Well that's not the way we're supposed to legislate or do our business. Thank you very much, Mr. Speaker."

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

"I'm just in strong support. I'm in strong support of House Bill 2964 which would make an additional cut to our salaries as recommended by the Salary Commission. I do not, of course, support this lightly. My family cannot afford it, but I'm sure that we'll find a way as many of the other people in my community have had bigger pay cuts, or a 100% pay cut because they lost their job.

"Whether some are doing this for election purposes or perception purposes, I think this needs to be done for a leadership purpose. I think we need to lead in a sense of showing the people of Hawaii that we understand that this isn't our money. This is their money and that we need to spend more wisely and how we start doing that is to start first with our own salaries which we can make a decision on that today."

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

"Thank you, Mr. Speaker. I am with reservations, and my reservation is that I read the Committee Report. Nobody testified for or against the bill, so nobody seems to care. Normally in Committee when nobody testifies on a bill, it doesn't pass. Thank you."

Representative Hanohano rose in opposition to the measure and asked that the remarks of Representatives Souki and Herkes be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Bertram rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram and Hanohano voting no, and with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 178-10) recommending that H.B. No. 59, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 59, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

At 12:24 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

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

"Thank you. Mr. Speaker, I'm rising to speak with reservations about this measure. Mr. Speaker, this bill would propose an amendment to the Hawaii Constitution relating to residency requirements for Members of the Legislature. If the voters approve it, it would not take effect until the year 2012.

"However I'm concerned about the concept. What it does is it establishes a one-year residency requirement before someone can run for the House or for the Senate. I think back to those youngsters up in the gallery that were here. Supposing some of them go away to college, stay and work on the mainland for maybe a year or two, come back home in December, and are committed to improving their environment and Hawaii and they want to run for office in that coming election. They'd be prohibited from doing this. Now they grew up in the district. They happened to go away for college. Happen to work on the mainland for a couple of years, but they're homegrown from that district and yet that one year residency requirement would restrict them from running. I think it's way too long. Way too long. Thank you."

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

"Mr. Speaker, I rise with reservations or a no, depending on any reaction that I might have following my spiel. Because this hits directly and personally, Mr. Speaker. I have been a resident of my district since 1978. I built a house in 1978. I paid taxes every year since 1978.

"However I was the Peace Corps' Country Director in East Timor and had one-year in that country with 64 volunteers doing great things in health and education. Then suddenly, the East Timor's armies started fighting. They said all non-essential Americans were to get out.

"In May of 2006, we were evacuated. Brought back to Honolulu, and the post didn't reopen. A seat happened to open. Then after June, I became a candidate. I had not been in the district for a year, so what I would like to see is some clarifications. Does this mean residency for taxpaying purposes which is separate from physical residency in a State where, those of us who served in the military, went to Iraq, if he would have stayed longer and his term then expired. Could he then reestablish himself?

"So my point, Chair, is if it can happen to those in the Peace Corp or the military, or any other reason to be away, this one year is really, really stringent. Again we don't want 'carpetbaggers,' but we also don't want to exclude people who are serving the country. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just to briefly rebut some of the comments. If Members would look at HRS Section 11-13, rules on determining residency, those questions that were brought up or issues that were presented would be answered. Specifically, people that leave the State for school, or institution do not necessarily lose their residency, nor do they do so for being employed in the service of the United States or of this State. And thirdly, your residency is determined by where you intend to reside, not where you actually are present. Thank you."

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

"Thank you, Mr. Speaker. I rise to speak with some reservations, and that is that after we reapportionment, if a legislator gets redistricted out of their current district, with the one-year requirement, a lot of the legislators may not qualify, depending on what the Reapportionment Commission does."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm responding to the Majority Leader and that's exactly why I said, 'the student graduates from school and stays and works on the mainland for a couple of years,' which takes them out of the category of just going away for school. So I think it is still too long a period of time to say, 'one-year residency,' because it would leave the voters with less choice because there will be few candidates that can file."

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

"Thank you, Mr. Speaker. I just wanted to express my reservations with the added consideration of the comments made by the Representative from Nuuanu, Pacific Heights because if Representatives from this House do get redistricted due to the census, that could be very interesting."

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

"Yes, Mr. Speaker and Members, with reservations. I believe one year is much too long for a state with relatively small districts in a small state as it is. It does create a hardship in running, and I believe the law that we have right now in place has worked perfectly well, so I don't see any need for any change. Thank you."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. The Majority Leader muddied what he tried to clarify, because under his definition, clearly I would be a resident because I never paid taxes and I was serving the country, etc. However I could have gone into his district and run against him according to that definition because I would be a qualified resident to go into anybody else's district. So I think the intent here is not to be able to jump into somebody's district because you're a "legal taxpayer," but you actually physically reside in there and I think that's where this needs a little bit of nuancing and clarification. "

Representative B. Oshiro rose to respond, stating:

"Mr. Speaker, just some brief rebuttal. Again, the statute is very clear, HRS Section 11-13. I suggest people read it if they have questions about muddiness. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this bill although I have heard all the concerns of my colleagues here and acknowledge that they have legitimacy with their concerns. But I'm confident that as we proceed through this bill, that we could address those concerns raised by this Body. I strongly believe that we need legislation such as this because we want to stop 'carpet bagging' and 'district shopping' and that we need to preserve those seats for people who really live in those districts from where they choose to run. Thank you."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 59, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO RESIDENCE REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE," was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 179-10) recommending that H.B. No. 1991, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1991, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"With reservations on Standing Committee Report 179. It seeks to raise the traffic abstract fee and briefly, I just question the appropriateness of the portion that is dedicated to the general fund. Secondly, I'd like to point out that this is yet another fee increase that we are looking at this Session. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1991, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 180-10) recommending that H.B. No. 2508, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2508, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like to request a ruling on a potential conflict. The firm that I work for represented the Ka Loko claimants who are named," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I rise on this measure in support with reservations. Thank you, Mr. Speaker. On page 2, the Ka Loko Dam case, I think we are trotting into new territory here. We do have on this bill a settlement for $1.5 million, but it's consolidated. I do understand the concerns, and I do respect the privacy of the families who were affected by this tragedy. However, I think when it comes to a claim against the State, I do believe the taxpayers of this State and for all of us, to understand specifically what the settlements in this case are, and for each of the cases on page 2.

"I don't have a problem with keeping private the settlements from the insurance companies or the other parties, but I do believe that in the case of claims against the State, I think it's important for the public and for us to know specifically what these are. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am rising to request a ruling on a potential conflict. My firm represented one of the claimants in one of the lawsuits against the State," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2508, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 181-10) recommending that H.B. No. 2349, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2349, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 182-10) recommending that H.B. No. 1896, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1896, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 183-10) recommending that H.B. No. 2056, as

amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 184-10) recommending that H.B. No. 2461, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2461, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. Report 184, if you could just note my reservations. This is an important bill and I understand the reasons for pushing it forward. I just need a little time to really research the issue."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 185-10) recommending that H.B. No. 2152, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2152, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 186-10) recommending that H.B. No. 2094, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 187-10) recommending that H.B. No. 2081, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2081, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREMATURE INFANT HEALTH CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 188-10) recommending that H.B. No. 2095, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2095, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Mr. Speaker, I also have reservations on this matter and I would like to state why. I think that if we are to go this route of giving tax credits to emergency room physicians for the reasons that are indicated in this bill, that we should not be too prescriptive to just limit it to State-approved hospitals. If you are going to give tax credits to emergency room physicians, then let's be fair to the others. Thank you, Mr. Speaker."

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

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

"I don't think I have to ask for a ruling of a potential conflict of interest, but just in case, my husband used to be an emergency room physician," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY PHYSICIANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 189-10) recommending that H.B. No. 2902, as amended in HD 1, be recommitted to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION," was recommitted to the Committee on Legislative Management, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 190-10) recommending that H.B. No. 2568, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2568, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 191-10) recommending that H.B. No. 2633, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2633, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 192-10) recommending that H.B. No. 2249, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2249, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I just want to make a few comments on this, reserving the right to speak on Third Reading. My opposition is based on the fact that this bill would weaken a law that currently seeks to minimize government contractors' influence on the elections process, presumably to benefit the campaign coffers of candidates and political parties with the affect of drowning out individual citizen voices. Thank you, Mr. Speaker."

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

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, just in opposition, Mr. Speaker. You know, we're in interesting political times, and I think the people of Hawaii and the people of America want to see a cleaner government. I think the way you start with cleaner government is to have cleaner elections, and that is an election process where people or very powerful organizations, or contractors in this case, can't buy an election. And unfortunately by passing this bill, it does open contractors, more contractors, to be part of the process.

"And of course after Linda Lingle was elected, we passed some bills that would prohibit a lot of contractors from contributing to campaigns. I think we should keep that process. I think it's been good for Hawaii, as well as it would be good for all of the United States if many states stick to this process."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please note my no vote and I would just like to make short comments. Thank you, Mr. Speaker. You know, for the past couple of years I've been voting no on this particular version or the point that this bill is pushing forward. I thought it was really, really interesting as far as my notes on this bill, and I tried to look at the CCR that's on file, but is not there just yet. There are no testifiers in support.

"Then one of the questions that Common Cause Hawaii has is, why do you want to change this law and what's the benefit? I just don't see after a few times of going through the Legislature, and I know you know each Legislature, we can bring it up as many times as we want. But I just don't see the real wide benefit to the people of Hawaii and why we want to push this forward."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 2249, Relating to Elections. I believe that the current law is sound and I am not sure changing the law is required. I have concerns that this measure might give the perception of impropriety and could cause people to lose faith in our political system. This belief is based on the very real "pay-to-play" attitudes that existed before the enactment of the current law. The Americans for Democratic Action, Common Cause, and the State Campaign Spending Commission have all brought up concerns on this measure and state in their testimony that they cannot support this measure. I think the old adage of "If it's not broke, don't fix it" certainly applies here. Thank you."

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

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2249, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Ching, Finnegan, C. Lee, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 193-10) recommending that H.B. No. 1992, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 194-10) recommending that H.B. No. 2254, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER SECURITY," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 195-10) recommending that H.B. No. 2721, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Second Reading, and was placed on the calendar for Third Reading, with Representatives Carroll, Magaoay and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 196-10) recommending that H.B. No. 134, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 196-10 on H.B. No. 134, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 134, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 197-10) recommending that H.B. No. 939, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 197-10 on H.B. No. 939, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 939, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 198-10) recommending that H.B. No. 1684, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 198-10 on H.B. No. 1684, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1684, HD 2, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 26 through 31) and concurrent resolutions (H.C.R. Nos. 66 through 72) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was jointly offered by Representatives Morita, Belatti, Berg, Bertram, Coffman, Hanohano, Keith-Agaran, C. Lee, Luke, Magaoay, Nakashima, B. Oshiro, Saiki, Shimabukuro, Takai, Takumi, Thielen, Tsuji, Wakai and Wooley.

H.R. No. 27, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Tsuji and Yamane.

H.R. No. 28, entitled: "HOUSE RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Tsuji and Yamane.

H.R. No. 29, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," was jointly offered by Representatives Mizuno, Belatti, Hanohano, Pine, Thielen and Choy.

H.R. No. 30, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives McKelvey, Brower, Cabanilla, Manahan, Mizuno, Tsuji and Yamane.

H.R. No. 31, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was jointly offered by Representatives Brower, Manahan and Mizuno.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' STATE HISTORIC PRESERVATION DIVISION," was jointly offered by Representatives Berg, Carroll, Coffman, Hanohano, C. Lee, Shimabukuro, Wooley and Bertram.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was jointly offered by Representatives Morita, Belatti, Berg, Bertram, Carroll, Coffman, Hanohano, Keith-Agaran, C. Lee, Luke, Magaoay, Nakashima, B. Oshiro, Saiki, Shimabukuro, Takai, Takumi, Thielen, Tsuji, Wakai and Wooley.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Tsuji and Yamane.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Tsuji and Yamane.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," was jointly offered by Representatives Mizuno, Belatti, Hanohano, C. Lee, Pine, Thielen, Ward and Choy.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives McKelvey, Brower, Cabanilla, Manahan, Mizuno, Tsuji and Yamane.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was jointly offered by Representatives Brower, Manahan and Mizuno.

ANNOUNCEMENTS

Representative Evans: "Mr. Speaker, when we adjourn, may we have a moment of silence for Cec Heftel?"

ADJOURNMENT

Representative Evans moved that the House adjourn until 12:00 o'clock noon tomorrow, Tuesday, February 9, 2010, seconded by Representative Pine and carried. (Representatives Carroll, Magaoay and Sagum were excused.)

At this time, the Members of the House of Representatives stood for a moment of silence in honor of former Hawaii Congressman, the late Cecil Heftel.

At 12:43 o'clock p.m., the Chair rapped his gavel and the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 9, 2010.

FOURTEENTH DAY

Tuesday, February 9, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:03 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Karamatsu, M. Oshiro and Tokioka, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 12 and 13) were received and announced by the Clerk:

Sen. Com. No. 12, transmitting S.B. No. 2286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," which passed Third Reading in the Senate on February 8, 2010.

Sen. Com. No. 13, transmitting S.B. No. 2449, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on February 8, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Karamatsu and M. Oshiro were excused.)

S.B. No. 2286, SD 1
S.B. No. 2449

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 57) was received by the Clerk and was placed on file:

Dept. Com. No. 57, dated February 8, 2010, from Scott T. Nago, Interim Chief Election Officer, Office of Elections, transmitting the Report to the Legislature in accordance with Sections 52 through 56 of Act 162, Session Laws of Hawaii 2009.

At 12:09 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
25	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
26	Committee on Energy & Environmental Protection
27	Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
28	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce
29	Committee on Economic Revitalization, Business, & Military Affairs
30	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Tourism, Culture, & International Affairs
31	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
32	Committee on Consumer Protection & Commerce, then to the Committee on Finance
33	Committee on Tourism, Culture, & International Affairs
34	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Tourism, Culture, & International Affairs
35	Committee on Consumer Protection & Commerce, then to the Committee on Finance
36	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
37	Committee on Health

H.C.R. Nos.	Referred to:
65	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
66	Committee on Energy & Environmental Protection
67	Committee on Energy & Environmental Protection
68	Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
69	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce
70	Committee on Economic Revitalization, Business, & Military Affairs
71	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Tourism, Culture, & International Affairs
72	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
73	Committee on Consumer Protection & Commerce, then to the Committee on Finance
74	Committee on Education, then to the Committee on Finance
75	Committee on Tourism, Culture, & International Affairs

76	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Tourism, Culture, & International Affairs
77	Committee on Consumer Protection & Commerce, then to the Committee on Finance
78	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
79	Committee on Health, then to the Committee on Legislative Management
80	Committee on Health

S.B. Nos.	**Referred to:**
2177, SD1	Jointly to the Committee on Public Safety and the Committee on Labor & Public Employment
2178, SD1	Committee on Labor & Public Employment
2201, SD1	Committee on Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B. No.	**Re-referred to:**
2950	Committee on Consumer Protection & Commerce

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 199-10) recommending that H.B. No. 2693, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2693, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2693.

"I support this measure which prohibits the transport of a child under 8 years of age or 4'9" in a motor vehicle without the person operating the motor vehicle ensuring that the child is properly restrained in a child passenger restraint system.

"The bill currently holds the person operating the motor vehicle responsible for upholding child safety laws in their vehicle. Although I believe children would benefit from the sharing of responsibility regarding child seat restraints, primary responsibility should be placed on the driver.

"Numerous programs, private and federally funded, teach children in preschool about seat belt safety. These programs enforce positive passenger behaviors and allow children to participate in their safety. Inclusion of a shared responsibility clause would encourage educators and parents to enforce safe passenger behavior for Hawaii's children."

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

"Thank you, Mr. Speaker. I rise in favor of this measure. I've been around a long time, and I was around when we first enacted a requirement for *keiki* car seats for children and have seen its evolution since. I was also around when the $25 tax credit for the purchase of a *keiki* car seat was enacted. I will support this measure although it offers exemption to current law. I think the exemptions are fairly reasonable, but I would oppose any collapsing of the $25 tax credit should that ever come up before us. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 200-10) recommending that H.B. No. 2602, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 201-10) recommending that H.B. No. 2370, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 202-10) recommending that H.B. No. 247, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 203-10) recommending that H.B. No. 1888, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 247, and H.B. No. 1888, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Herkes rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. May I comment on both Stand. Com. Nos. 202 and 203? They're both dealing with the same issue. I'm in support. House Bill 247, which deals with the Interagency Task Force was a bill that was introduced last year in order to formalize the existing Interagency Task Force which really does nothing. We would really like to see it become effective. Right now it is unwieldy. There's probably 50 members. Their meetings are never posted. We were able to get reports of the two meetings that they have had; one was in 2008, and one in 2009. One of the reports had four pages missing, and there was one line in the other one that said there's no medical problem due to vog.

"So at least if we could formalize it through HB 247, maybe we could actually get something done. But I would also say that there is a version of

this that we passed out that is currently sitting in the Ways and Means Committee in the Senate.

"Now if we could get Stand. Com. No. 203, House Bill 1888, which is a lot more important. As I said many times over, many times over, Mr. Speaker, Hawaii is the only state in the nation with every known natural disaster. And the Representative from the 4th District and I have them all. We also may be the least prepared of any state in the nation.

"Over the last few years we have nibbled at the edges by doing such things as tax credits for hurricane clips even in areas where the probability of a hurricane is remote. And there are other bills this year that again, nibble at the edges. But there's nothing that brings everything to the table to prepare for a natural disaster.

"Seven years ago, the Chair of the Water and Land Committee and I invited three UH professors with expertise in geophysics to discuss natural disaster preparedness. We met together with representatives from the insurance, financial, and real estate industries, and we also invited Civil Defense.

"The professors convinced us that Hawaii has to map all natural disasters with some degree of probability and intensity. Technically this can be done. We have some maps now. We have lava and tsunami, but they have limited use.

"Everyone should know what natural disaster might impact where he or she lives. You should know that.

"These maps should then be used for land use planning. We have a statewide building code with no regard to disaster impact zones. The building code for homes near Volcano where we have earthquakes is the same as we have on Kauai where they have hurricanes. It makes no sense. We have to know these things. The building code has to be adapted to whatever natural disaster might impact a building.

"Can anyone in this room tell me where the nearest shelter is near their home where they would send their family? And what natural disaster it is designed to protect? I doubt that anyone can tell us that.

"I remember in Volcano, when the community asked Civil Defense, they told us to go into Thurston Lava Tube. Boy, that really made a lot of sense.

"We have not learned from New Orleans and Houston. In those two cities, glass from high-rise buildings flew all over the streets with those hurricanes. I guess we're just going to wait until it happens here rather than take any initiative and try to harden those windows.

"The problem is the Civil Defense mindset is to be prepared to respond to an event. This bill says be prepared for the event, before it happens. And Mr. Speaker, there is a huge difference. How to fund it? That's part of Civil Defense's job.

"Mr. Speaker, for seven years we've sent bills dealing with disaster preparedness to prepare this State and its people from natural disasters to the Senate, never ever to be heard from again. Thank you."

Representative Pine rose to speak in support of both measures with reservations, stating:

"I'm in support with some reservations on both of those measures. I do support the concept and I believe the previous speaker had some very good points. He knows better than all of us what it's like to go through a natural disaster. However, as we are discussing this issue, let's try to keep in mind, let's do our best to not to have any duplication of things that are currently going on. Instead of revamping an entire system, let's just focus on perfecting it. And as we talk about budgets, let's make sure that we have a goal that can be achieved with the budgetary limitations that we provide the Department of Defense."

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

"Thank you. My reservations are based on the duplication argument for both Stand. Com. Nos. 202 and 203."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 247, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance; and

H.B. No. 1888, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 204-10) recommending that H.B. No. 2644, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2644, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 205-10) recommending that H.B. No. 1808, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1808, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 206-10) recommending that H.B. No. 2624, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2624, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Please note my reservations, Mr. Speaker. And should this bill make it out of the Joint Committees on CPC and Judiciary, I will reserve my comments for that time. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 207-10) recommending that S.B. No. 910, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 910, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 208-10) recommending that H.B. No. 2284, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2284, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, may I have a ruling on a potential conflict? I'm an officer of a company that subleases from a leasee, and not the leasor, in Mapunapuna," and the Chair ruled, "no conflict."

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

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

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

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

"May I get a ruling on a potential conflict please? My law firm represents the leasor of this area in Mapunapuna," and the Chair ruled, "no conflict."

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

"Mr. Speaker, with strong reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2284, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Saiki and Takai voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 209-10) recommending that H.B. No. 2131, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2131, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with strong reservations on Stand. Com. Report 209. This bill mandates that small business gasoline dealers have to provide potable water. Mr. Speaker, this is an anti-small business bill. This is 'Big Brother' stepping in and saying, 'You will provide water.' This is something the private sector, or something that the competition should be able to determine. Not the State coming in and saying, 'You will provide water.'

"There's a comparable position of this bill where we are having to tell the schools, 'Don't have ice cream and don't have candy.' Those things should be handled at different levels. They don't need to be dictated by government. This is something that will keep small business running. And those who provide best for their customers will provide this, but not having to mandate it by us. It'll save us from being the 'water policeman,' which if this passed, we would eventually become.

"So this is not a good policy. It's not good precedent. Government has already got itself in to too many things already. We can't even enforce what we've got on the books, and to enforce having to provide water for gasoline stations, why not air, Mr. Speaker? Somebody might say also. So where does it end? I think we should end it now with the end of this bill. Thank you."

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

"Yes, Mr. Speaker. May I have a ruling on a potential conflict? I'm a part owner of a gas station," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. For different reasons, I'm also registering reservations on this."

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

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

Representative M. Lee rose to speak in support of the measure, stating:

"I am in support and I'll submit written comments. But you know, this is really a safety issue, as well as air is. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2131.

"I recognize that water is essential to safe operation of vehicles on Hawaii's roads. Currently many retail gasoline stations in the State charge their customers for access to water. Charging for water endangers motorists and the public. I commend this act for restoring access which is vital for motorists. However, my reservation stems from the precursor surrounding the exchange of water for fuel.

"As written the bill requires gasoline dealers to provide free water in exchange for the purchase of fuel. I believe setting a purchase requirement will not assist those motorists who find themselves in emergency situations dependent on water. Therefore, I recommend we further examine the implications surrounding the exchange of fuel for water access."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 210-10) recommending that H.B. No. 1944, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1944, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 211-10) recommending that H.B. No. 2289, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2289, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to Stand. Com. Report 211. Thank you. I just want the Members to take note of page 3. I think a few years ago when we passed this law we did not allow for an activation fee for these gift cards or gift certificates. There are some shopping malls and stores around town that when you purchase these $20 gift cards, they charge a percentage, sometimes as much as 10%. That's $2 for every 20 bucks and to me that's outrageous.

"This bill I believe, if I'm not mistaken, will allow for the activation or issuance fees charged. The lesser of 15% or $7.50. I don't think people in Hawaii should be charged an activation fee or issuance fee, and I strongly urge the next Committee, CPC, to take a look at this particular provision.

"In addition, Mr. Speaker, on page 3, section 2 at the very bottom, we extend the expiration date of gift certificates or gift cards, but we don't do it for a paper form certificates. I realize that the federal law now pushes a gift certificate to five years and is silent on the paper form, but I think we should take the lead. If it's good enough to extend the expiration date no shorter than five years for a gift card, I don't see why we should not allow that or require that for those gift certificates in paper form. Thank you, Mr. Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2289, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Takai voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 212-10) recommending that H.B. No. 1921, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1921, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just want to note my reservations on Stand. Com. Report 212. Basically what this is, is it establishes the controlling interest transfer tax of 1.11% to be administrated by the Director of Taxation.

"This basically adds a new tax that has been, I guess, slipping through the cracks, and we're trying to find a way to retrieve this tax when there's transfer of lands. I was not in this Committee, but I just want to note my reservations. If it's a new tax, I'm concerned at how this will affect some of the affordable housing that we're trying to plan in my community."

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

"I rise in support of Stand. Com. No. 212. I would just like to make a little correction. This is not a new tax. This Controlling Interest Transfer Tax just closes an existing loophole when people put property in an entity, and then transfer the entity instead of the property. So it's not a new tax. It just closes a loophole. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1921, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX," passed Second Reading and was referred to the Committee on Finance.

Representatives Karamatsu and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 213-10) recommending that H.B. No. 2251, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2251, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

At 12:42 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. This bill would create a Commission. It would also, as amended, allow our residents to vote. I know that the original bill was for our visitors, but I'm just going to share some of the testimony if you don't mind. I'll try to keep it under the time limit.

"But from the Hawaii League of Women Voters, Grace Furukawa: The University of Illinois came to Hawaii last year and said that for every dollar earned from gambling, $3 is spent by the state to mitigate problems caused by gambling.

"The Chief of Police here understands the cost increase: the police presence necessary, the cost of investigating, prosecuting. Corruption is another reason for opposing this bill according to Prosecuting Attorney Peter Carlisle. Visitors come to Hawaii with a finite amount of money, which if spent at gambling tables will not be spent in gift shops, restaurants, or other local businesses. So the immediate effect will be felt by small businesses. We cannot afford to do this to our local businesses who are already struggling to stay alive and keep their employees.

"Secondly, *kama'aina* attorney, Mr. Thomas Case says, 'Visitors come to enjoy the balmy weather, lush vegetation, waterfalls, white sandy beaches, ocean, outdoor activities, swimming, scuba diving, sailing, fishing, golf, etc., Hawaiian music and dance, the aloha spirit of the islands. They do not come to Hawaii to spend their time shut up indoors in a casino.'

"The Policy Forum. Casino gambling causes crimes. Evidence is converging to show casino gambling causes significant increases in crime. Taken altogether, casinos impose crime and other costs paid for by society, including those who do not gamble, that exceed their benefits.

"It goes on. 62%, according to the Policy Forum, committed illegal acts as a result of gambling. 80% had committed civil offenses. A similar survey of 400 members show that 50% admitted stealing to finance their gambling, and on the average there are 135,000 total theft. They have continued, two-thirds of compulsive gamblers engage in criminal activity including violent crime because of their gambling problem, and 12 million compulsive gamblers in the US, the average compulsive gamblers is $80,000 in debt. I won't go into the child abuse, the family abuse, all the abuse that comes when people are under stress from not being able to pay their gambling debt.

"Worst of all, there's a strong association between pathological gambling and substance abuse. Meth Not Even Once, the Hawaii Meth Project, financed by Charles Schwab, says that Hawaii ranks, I know it was almost number one, but thanks to efforts perhaps by the US Attorney, Hawaii ranks number five in the Nation for meth. I'll repeat that, Hawaii ranks number five in the Nation for meth use for ages 12 and older. And 7.3 of all 10th grade students have used meth, according to the risk behavior survey. That's up 87% from 2005. The estimated cost of meth abuse in Hawaii is $500 million annually. 30% of Hawaii teens believe there's no risk in trying. They're going to be at Farrington. They're going to be giving a presentation at Farrington High School so I encourage our Members to attend it. How do you begin to take action on our nation's crystal meth? I have more reports. I have the Auditor of the State of Hawaii.

"In summary, Mr. Speaker, now is not the time. When we say we are going to entertain, why would we entertain? In some countries, when they can't pay their bills, they sell their daughters into prostitution. It's not an option. It's not an option. I want to say I would ever entertain that kind of option. I take it very seriously. The gentleman who was accused of throwing Cyrus Belt off the freeway comes from approximately a mile from here. Not in my district, but near to my district, and I take it very seriously, sir. Thank you."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Manahan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you. May I have a no vote with the words of the Representative for Liliha, minus the stuff about Cyrus Belt and prostitution elsewhere," and the Chair "so ordered." (By reference only.)

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

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Luke rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

Representative Takumi rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative M. Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," passed Second Reading and was referred to the Committee on Finance, with Representatives Aquino, Belatti, Berg, Ching, Choy, Finnegan, C. Lee, Luke, Manahan, Marumoto, Morita, Rhoads, Saiki, Takai, Takumi, Thielen, Ward and Yamane voting no.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 214-10) recommending that H.B. No. 2277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 215-10) recommending that H.B. No. 2417, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 216-10) recommending that H.B. No. 2445, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 217-10) recommending that H.B. No. 2817, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2817, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 218-10) recommending that H.B. No. 2827, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2827, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I would like to request a ruling on a potential conflict. I'm a Certified Public Accountant. I also perform the majority of peer reviews for CPA firms in the State of Hawaii and I've been doing so for the past 20 years," and the Chair ruled, "no conflict."

Representative Choy continued in support of the measure with reservations, stating:

"I would also like to rise with strong reservations on this particular measure. This bill totally ignores the concerns of local practitioners, I being one of them. Approximately 40 other states have passed this type of legislation by addressing many of the concerns of the local practitioners.

"Some of these concerns are, first, if local practitioners have to go to some kind of quality review process, then all firms, local, international, and out-of-state firms should also go through the same regulatory process. This bill, as written, gives the Board of Accountancy the power to exempt firms from this process. The large international firms want to exempt themselves from these reviews. They claim that their system of internal inspections are so superior that they should be exempt from this process, but we should not forget that Arthur Andersen, the largest of the international firms, who had gone through their superior internal inspection process and peer review process, no longer exists because of substandard work.

"Second, there's only currently one peer review program available to firms which is administered by the American Institute of Certified Public Accounts and the Hawaii Society of CPAs. Firms who are not members will be required to join these organizations and pay these organization's fees. I believe we should not force a firm to join certain trade organizations.

"Third, there is no peer review program in the United States that is designed to be regulatory and punitive. The AICPA Accountants Peer Review Program was made to be educational, remedial and confidential. Not regulatory and punitive. And because this peer review program was made to be educational, there are no due process procedures in place. What are the consequences for failing peer review? Will my license be revoked? What are the appeal procedures? We should delegate regulatory procedures, which could result in a loss of licensure to a private entity.

"Fourth, I have reviewed the 200 or so testimonies in support of this measure and I only counted 17 local firms that I could recognize. There are approximately 250 firms in the State of Hawaii. The majority of the testimony comes from these 17 firms and the students from the University of Hawaii. I do not believe that there's broad base support among local practitioners for this particular measure.

"And finally, Mr. Speaker, there's a right way of instituting peer review in the State of Hawaii. This measure is not it. Thank you, Mr. Speaker."

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

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

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Choy be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

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

"Thank you very much, Mr. Speaker. I rise with reservations and may I have the words of the speaker from Manoa entered in the record as if they were my own, even though I'm not a CPA," and the Chair "so ordered." (By reference only.)

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

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

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

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

Representative Keith-Agaran rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"I would agree. In great deference to my colleague from Manoa, please note my reservations as well. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2827, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 219-10) recommending that H.B. No. 2155, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2155, entitled: "A BILL FOR AN ACT RELATING TO CASE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 220-10) recommending that H.B. No. 2157, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 221-10) recommending that H.B. No. 2774, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 222-10) recommending that H.B. No. 2468, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2468, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 223-10) recommending that H.B. No. 2068, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2068, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"I would like to speak with reservations and insert written comments. And my reservations are that we really need a statewide ban on fireworks. I think that's the right thing to do. It's a real safety issue. Not only personal safety, but public safety. This probably will not result in safety for the majority of citizens in our State so I would like to see a statewide ban and I would insert my written comments. Thank you, Mr. Speaker."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2068.

"I recognize that some feel this bill will allow counties to better address their concerns and be supportive of homerule, however, a statewide ban would better address statewide concerns surrounding the usage and health implications associated with fireworks. In addition, it would not encourage the illegal air transport of fireworks from island to island.

"Hawaii's residents have made it clear that they desire a total ban or stricter enforcement of fireworks laws in order to uphold safety standards and quality of life. Advocates point to the numerous injuries and accidental fires that are attributed to fireworks as justification for banning or at least severely restricting access to fireworks. Complaints about excessive noise created by fireworks and the large amounts of debris and particulate matter produced are also cited by those supporting this position. Many argue that consumer fireworks are being used in a manner that is disrespectful to the communities and neighborhoods where the users live. In addition, fireworks produce smoke and dust that may contain residues of heavy metals, sulfur-coal compounds and some low concentration toxic chemicals. A report filed by the DOH this year shows an increase in emergency room visits and increased injury to persons.

"Allowing counties to make their own fireworks laws will put a further strain on the fire and police departments throughout our State. We risk encouraging illegal fireworks as was the case in the early '90s when the counties had individual ordinances and trafficking could not be controlled. Therefore, although I am happy to see a weaker bill go forward, a statewide ban is really the answer to our problem.

"It is sad to see the conspicuous absence of those who should be supporting the ban. Where are the Health Department; OEQC; Humane Society; the Hawaii Medical Association; public health advocates and health care workers? We will ban the statewide use of fireworks one day. Will this be the year? "

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

"I rise to speak in favor of the bill on fireworks with reservations. Similar to the Representative from Mililani, I believe that we do need a statewide ban on fireworks. The reason why we need statewide law controlling this is because once upon a time, counties did indeed control the laws on fireworks. The Big Island allowed aerials and Oahu did not. The airlines experienced people trying to carry fireworks from the Big Island to Oahu, which is very dangerous. It's very hazardous. So I believe that we need a strong statewide law.

"The last New Year's was like a war zone and we had many concussion bombs going off in residential neighborhoods. Also aerials, which really threaten our safety. So I hope that we will see a ban coming through shortly. Thank you."

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

"I rise to speak with reservations on this one for the same reasons that were alluded to by the previous two speakers. This approach, to have counties decide, while I think is laudable and deserves further consideration, I think it has the unintended consequence of actually threatening the health and safety of our citizens even more so as this provides a real incentive for people to smuggle, either by air or by boat, to those counties that do not allow fireworks. So I do believe a statewide ban would be far more appropriate. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. In talking to law enforcement officers and others in the communities, the biggest problems are aerials and other fireworks which are currently illegal. That's not being enforced. They're going off everywhere. So to have a statewide ban, I don't think it's going to make any kind of difference. To give it to the counties, let them and their communities decide whether or not it's appropriate, is a good thing. I mean after all, we have a statewide ban on gaming, yet $300 million was won through the Super Bowl, so look at that. Thank you."

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

"Mr. Speaker, on Stand. Com. No. 223, I am with reservations for the same reason as the Representative from Kaimuki-Kahala."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2068, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 224-10) recommending that H.B. No. 2271, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2271, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I'm rising in support of Stand. Com. No. 224, which is the bill related to dry ice bombs. People may have heard these going off on Super Bowl Day. I'm sure you did on New Year's Eve. The problem with this is that people are packing dry ice into plastic cylinders. They don't have any idea of when that's going to actually explode, and when it does, it can release shrapnel that can injure anyone standing around. Without notice it can release that shrapnel and children can be injured, adults can be injured.

"I have spoken with a retired marine who said that the explosions on the Windward side were as loud, or louder than many of those he heard in actual combat. I know for a fact that those of us on the Windward side, our houses were shaking. So unless we outlaw dry ice bombs, we're putting children and adults at risk from exploding shrapnel. And unless we impose a statewide ban, we're putting everyone at risk. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2271, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 225-10) recommending that H.B. No. 2688, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2688, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 226-10) recommending that H.B. No. 2170, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 227-10) recommending that H.B. No. 2576, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 228-10) recommending that H.B. No. 2096, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 229-10) recommending that H.B. No. 2208, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2208, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 230-10) recommending that H.B. No. 2350, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 231-10) recommending that H.B. No. 2464, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

At 1:03 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 232-10) recommending that H.B. No. 1979, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representative Ito being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 233-10) recommending that H.B. No. 1980, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 234-10) recommending that H.B. No. 165, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 165, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 235-10) recommending that H.B. No. 2360, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2360, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 236-10) recommending that H.B. No. 2618, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 237-10) recommending that H.B. No. 1862, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1862, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Once again, I'm voting no on this bill. Mr. Speaker, until the City and County puts in adequate restrooms in the Chinatown area, I don't think we should criminalize this activity. The City had time to do it. We're now removing the sunset clause and this will be on the books, but the City has not stepped forward with the public restrooms."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 1862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no, and with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 238-10) recommending that H.B. No. 2397, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 239-10) recommending that H.B. No. 1863, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 240-10) recommending that H.B. No. 2077, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 241-10) recommending that H.B. No. 1190, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 241-10 on H.B. No. 1190, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1190, HD 1, were made available to the Members of the House.

THIRD READING

H.B. No. 2568:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2568, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," was recommitted to the Committee on Housing, with Representative Ito being excused.

SUSPENSION OF RULES

Representative Evans moved to suspend the rules of the House for the purpose of considering a certain House Bill for Third Reading by consent calendar, seconded by Representative Pine.

At 1:07 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m.

At 1:08 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:08 o'clock p.m.

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Ito was excused.)

THIRD READING

H.B. No. 2633:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2633, entitled: "A BILL FOR AN ACT

RELATING TO REAL ESTATE LICENSEES," passed Third Reading by a vote of 50 ayes, with Representative Ito being excused.

At 1:09 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2633

H.B. No. 2249:

By unanimous consent, action was deferred one legislative day.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 32 through 37) and concurrent resolutions (H.C.R. Nos. 73 through 80) were referred to Printing and further action was deferred:

H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONDUCT A STUDY RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," was jointly offered by Representatives Hanohano, Chang, Coffman, Evans, Herkes, Karamatsu, Nakashima, M. Oshiro and Tsuji.

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was offered by Representative Mizuno.

H.R. No. 34, entitled: "HOUSE RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was jointly offered by Representatives Mizuno, Bertram, Brower, Manahan and Yamane.

H.R. No. 35, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE PROPOSALS TO CREATE A FEDERAL INSURANCE OFFICE," was jointly offered by Representatives Herkes and Mizuno.

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING FEDERAL RECOGNITION OF RESPIRATORY THERAPISTS," was offered by Representative Herkes.

H.R. No. 37, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Bertram, Brower, Manahan, McKelvey and Mizuno.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONDUCT A STUDY RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," was jointly offered by Representatives Hanohano, Chang, Coffman, Evans, Herkes, Nakashima, Karamatsu, M. Oshiro and Tsuji.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO OFFER ONLINE INSTRUCTION TO MIDDLE AND HIGH SCHOOL STUDENTS IN THE PUBLIC SCHOOL SYSTEM," was offered by Representative Nishimoto, by request.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was offered by Representative Mizuno.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was jointly offered by Representatives Mizuno, Bertram, Brower, Manahan and Yamane.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE PROPOSALS TO CREATE A FEDERAL INSURANCE OFFICE," was jointly offered by Representatives Herkes and Mizuno.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL RECOGNITION OF RESPIRATORY THERAPISTS," was offered by Representative Herkes.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE EFFECTS OF REGULATING RESPIRATORY CARE PRACTITIONERS," was offered by Representative Herkes.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Bertram, Brower, Manahan, McKelvey and Mizuno.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I'd like to announce that Dave's Snack Shop is now Dave's Hot Lunch Shop and as a small business he is trying this as an experiment. So I would encourage all of us who are hungry, and staff, to participate at Dave's Hot Lunches. Thank you."

Representative Cabanilla for the Committee on Housing requested a waiver of the 48-hour advance notice rule to hear and have decision making on the following measure, tomorrow at 9:05, and the Chair "so ordered."

HB. No. 165, HD 1, Requesting the Department of Taxation to Conduct a Review of the Housing Tax Credits Issued by the Hawaii Finance Community Development Corporation.

ADJOURNMENT

At 1:10 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 10, 2010. (Representative Ito was excused.)

FIFTEENTH DAY

Wednesday, February 10, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Miss Isabella Jolynn Walker, granddaughter of Ms. Judy Fomin of Representative Magaoay's office, after which the Roll was called showing all Members present with the exception of Representative M. Lee, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 172) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 172, dated February 1, 2010, transmitting the FY 08-09 Hawaii Coastal Zone Management Annual Report, pursuant to Section 205A-3(10), Hawaii Revised Statutes.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 58) was received by the Clerk and was placed on file:

Dept. Com. No. 58, dated January 21, 2010, from Loretta Fuddy, A.C.S.W., M.P.H., Chief, Family Health Services Division, Department of Health, transmitting the State of Hawaii Primary Care Needs Assessment Data Book for 2009.

INTRODUCTIONS

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

Representative Magaoay introduced Miss Isabella Walker's parents, Mr. Charlie and Mrs. Tracy Walker; as well as grandmother, Ms. Judy Fomin; and other staff members, Ms. Karess Purcell and Mr. Jordon Higa, UH Intern.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. No.	Referred to:
38	Committee on Energy & Environmental Protection, then to the Committee on Judiciary

H.C.R. Nos.	Referred to:
81	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Legislative Management
82	Committee on Energy & Environmental Protection, then to the Committee on Judiciary

S.B. Nos.	Referred to:
2286, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2449	Committee on Transportation, then to the Committee on Judiciary

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
165, HD1	Committee on Housing, then to the Committee on Finance
1914	Committee on Human Services, then to the Committee on Finance
1926	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
1947	Committee on Finance
1979, HD1	Committee on Finance
1980, HD1	Committee on Finance
1987, HD1	Committee on Public Safety, then to the Committee on Judiciary
2153	Committee on Finance
2206, HD1	Committee on Health, then to the Committee on Finance
2391	Committee on Finance
2702	Committee on Finance
2832	Committee on Finance
2837	Committee on Finance
2962	Committee on Finance

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, the Unfinished Business will be taken up at the end of the calendar."

H.B. No. 2249:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 196-10 and H.B. No. 134, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 197-10 and H.B. No. 939, HD 1:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 198-10 and H.B. No. 1684, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

At 12:09 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 242-10) recommending that H.B. No. 2952, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2952, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 2952 - Relating to Mopeds. Moped-related deaths and accidents have long been a concern here in Hawaii and I feel we have sat idle on this issue for far too long. We are here to protect the great citizens of Hawaii and it's our duty and our job to do such. This bill will save lives, lives that are all too often lost over loopholes and lack of enforcement of our laws.

"According to the DOT, moped-related accidents and deaths continue to rise each year. Currently the DOT estimates that there are twenty-two - thousand mopeds on the road, and, according to the Department of Health, more than 60 percent of severe head injuries come from moped-related crashes. We must rectify that number.

"I am deeply troubled by the fact that some operators modify mopeds in ways that make them unsafe and a public nuisance. Specifically, some operators disable or modify the speed governors on mopeds, allowing the moped to be operated at speeds in excess of safe and legal limits. Other operators choose to modify the exhaust system on mopeds to make a moped more powerful and much noisier than design or legal limits, posing a safety threat to the operator and pedestrians, as well as increasing noise pollution in residential neighborhoods.

"The Department of Transportation Services for the City and County of Honolulu feels that this is a good bill and they stated in their testimony that, "The Department of Transportation Services supports H.B. 2952. We agree that this matter requires further evaluation, and we will be happy to serve on the task force when it is convened."

"When I think of this bill, I can't help but think of Gerald Baltazar and how this teenager lost his life so tragically a few weeks back as a result of a moped-related accident. Gerald was seventeen years old, a kid with his entire future in front of him, but tragically neither he nor his family will see this future come to fruition. I invoke the words of Gerald's father Ernesto, "If rules had been in place, maybe my son would still be alive today. It's too late for my son, but maybe we can save someone else's son." Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2952, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 243-10) recommending that H.B. No. 2092, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2092, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I am standing in strong support and would like to submit written comments."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support H.B.2092 Relating to Public Safety, which would establish an administrator position and an administrative assistant staff position for the State Fire Council.

"The institution of these positions would better allow the State Fire Council to perform their invaluable service to the State of Hawaii. These positions would specifically oversee daily operations of the State Fire Council, adopt the State Fire Code, coordinate fire mitigation training and data collections, and other tasks that are important to the safety and well-being of the state of Hawaii.

"The brave men and women who risk their lives answering this call to civic duty are not solely firefighters, but are also first responders during non-fire-related emergencies, community outreach educators, and an essential part of every community.

"I hope that as this bill moves through the Legislature, the Fire Council's vital role of protecting the people of Hawaii and providing guidance to both the Legislature and Governor is recognized. Because the State Fire Council plays such an integral part in maintaining Hawaii's quality of life, I ask that you support this measure."

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

"Thank you, Mr. Speaker. I rise in strong support, and may I have the written comments of the Representative from Mililani entered into the record as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2092, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 244-10) recommending that H.B. No. 2692, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2692, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 244, with reservations. If the Senate had passed one of our bills six years ago, this would already be done. An amendment that I think Finance should consider is to take out the 44th and 45th District, and make it statewide. Thank you."

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

"Thank you, Mr. Speaker. I am standing in strong support and ask for written comments to be entered in the Journal."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in strong support. The purpose of this measure is to take action on a long standing problem for residents and businesses in the Waianae Coast. The Coast is comprised of approximately 60,000 people where Farrington Highway is the only main thoroughfare. During times of natural disasters, one of the first actions to take place is the closure of this roadway because of its close proximity to the ocean. An alternate roadway is not scheduled for a very long time. There have been numerous fires, a tsunami, hurricanes and powerful storms that warranted the closure of this highway. In addition, high winds cause electrical lines to go down and electricity is suspended. Gasoline used for transportation and clearing debris cannot be pumped; phones to call for an emergency or to check on loved ones cannot be used. Upon becoming isolated from the rest of the island, those in these districts are forced to rely on their best resource – themselves.

"Mr. Speaker, this bill does just that. It requires the Department of Civil Defense to prepare a disaster preparedness plan for the aforementioned communities. In addition, this measure includes community meetings from those directly impacted by the disaster, whatever it may be. It is extremely important to disseminate the plan before an event occurs. Let there be no question, an event will occur. The question is, "Will these communities be prepared?" House Bill 2692 proposes to do just this. The intent of this measure as mentioned earlier is to use our most precious resource, our people. Residents will be able to assist in providing insight and direction on past hazards. In some cases, exposure to such risks may be addressed in advance. The community can come forward to volunteer their services or equipment. Private businesses and citizens have access to heavy equipment vehicles necessary to clear the highway for safe passage. The City and County of Honolulu has relocated their Department of Facilities Maintenance to Kalaeloa. State services are extremely limited. Non-profits working with our most vulnerable can provide information to the whereabouts of our *kupuna*, homeless and children.

"The fact of the matter is that in times of natural disasters, government's priority is to get government services up and running before anything else. This measure will empower the community to help themselves get online and work together when government is unable. A coordinated effort is what we need Mr. Speaker. Once completed, this plan may also be duplicated in other areas throughout the State; thus expanding the scope of this very important bill – a bill to save lives. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 245-10) recommending that H.B. No. 2504, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2504, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 246-10) recommending that H.B. No. 2451, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2451, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY BUILDING PERMITTING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 247-10) recommending that H.B. No. 2522, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 248-10) recommending that H.B. No. 2907, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2907, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of HB 2907

"This bill will require helmets to be worn by all ATV riders in State Parks. Sally L. Jones of the Queens Hospital Trauma Service testified that, "between 2005 and 2009 (data not yet complete for 2009), Queens Medical Center treated on average, an ATV accident victim each month. Of the 62 patients treated, 39 (63%) were known to be riding without a helmet; 37 (60%) were treated for some type of head injury and 1 patient died – he was not wearing a helmet."

"Nationally the number of ATV related emergency room visits has more than doubled in recent years. Despite the high injury rates over 850,000 of these vehicles are sold every year.

"The Department of Land & Natural Resources is presently constructing a track for recreational vehicles on Sand Island. It will be run by a private entity that will no doubt require helmet use.

"Because of the large number of injuries – and even deaths, incurred by the rising popularity of ATVs, it behooves the Legislature to pass a law that will at the very least, require helmets when riding in State parks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2907, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PARK SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 249-10) recommending that H.B. No. 2019, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2019, entitled: "A BILL FOR AN ACT RELATING TO PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 250-10) recommending that H.B. No. 2270, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2270, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 251-10) recommending that H.B. No. 2582, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2582, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Brower rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to Standing Committee Report No. 251. Thank you. House Bill 2582 authorizes the moorage for commercial vessels and commercial vessel activities in the State's small boat harbors, specifically two harbors. These are residential harbors intended for use by residents of Hawaii, and not commercial purposes. So the thousands of people who participate in these harbors, whether it be for residential fishing, some of them live in these harbors, and there are thousands of people who do canoe paddling in these harbors. Should this bill pass and we commercialize harbors like Keehi Boat Harbor or the Ala Wai Small Boat Harbor, these people will be displaced and I find that very problematic.

"Mr. Speaker, we have enough commercial boating space. Kewalo Basin, which is just a few blocks from the Ala Wai Small Boat Harbor, has empty moorings, and until the commercial space is filled at other harbors, I don't think we should think about commercializing small boat harbors, which were really intended for residential use. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Brower voting no, and with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 252-10) recommending that H.B. No. 2835, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2835, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am speaking against House Bill 2835, which is Relating to the Bureau of Conveyances. Thank you. Mr. Speaker, I can sympathize with landowners who reside next to a private roadway and they end up not knowing who actually owns that roadway and want to have that roadway maintained. The difficulty with this bill is that we're saying to the Bureau of Conveyances, you go do the work that that private landowner should be doing instead.

"The private landowner could do a title search. If that becomes too complicated, the private landowner could hire counsel to do it, and ultimately many of these little roadways' ownership will need to be determined pursuant to a quiet title action. That's not something the Bureau of Conveyances should do for the private landowners. That takes away the limited workforce, their time, and they have to do something that the private owner should actually be paying for and doing herself or himself. Thank you."

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

"Mr. Speaker, in support. The problem with what the previous speaker said is, to go and get the title search, or to have to hire a private attorney costs money. And what I've been told is, and I've looked at this myself for certain lanes in the 28th District, the amount of money is $15,000 to $20,000 per lane. I have done 15 or 16 of them myself. When I first was elected I thought that this was a Palama problem, and that it was only me and the Representative from the 28th District who had this. But as I've looked at the issue more, it's not true. The Big Island has roads and one mile lanes that no one knows who owns them. We know that they're not State owned. We know that they're not county owned. But we don't know who does, and the Bureau of Conveyances is the government agency that deals with landownership.

"For most pieces of land you can determine who the owner is within a matter of minutes by just looking at the records. But for all these so-called, 'lanes in limbo,' there's no easy way to find out what they are, and I would suggest that even if this bill passes, there will be owners along streams, or lanes, or roads that will not have an owner identify. There's not going to be thousands and thousands of people asking for this service. There probably will be dozens. But we have a private lane ownership system and if you don't know who owns the land, all kinds of strange things happen.

"The City and Country, just to take an example, Wong Lane, which is a tiny little lane in Palama. There are all sorts of things there. There's always trash piled up high there. The City and County came out and said, 'We're going to fine the owner of this property if they don't clean it up.' They couldn't identify who owned the property, so they couldn't fine anybody, and that's the problem over and over again. I think if we're going to have private property ownership system, we need to know who owns the property.

"Obviously pre-contact, there wasn't a private property system and there's more than one way to own land. But if we're going to have a private property system, we need to know who owns what so people can be held responsible for the things that happen on their land, and when it spills over onto other people's property. Mahalo."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. That's precisely my point; that this is going to be very costly for the Bureau. Assuming as the prior speaker said that there are only going to be a few dozen of these people, and then he gave the figure of $15,000 to go and do this kind of a title search. You're talking about $300,000 that the Bureau would be expending in time. They don't have the staff. They don't have the spare time to be able to do that kind of in-depth work.

"I sympathize with the property owners, but the ultimate action probably would be a quiet title action and then you need to have counsel taking you through that. I think those private owners need to make that decision and form a *hui* and fund that to be able to determine it, but I don't believe this State should do their work for them. Thank you."

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

"Mr. Speaker, I rise in favor with reservations. I realize the problem and I think someone should find out who owns several of these parcels of land. We have several streets in Kaimuki where the developer is long gone and the property was never dedicated to the City so the City won't take it. I think this bill should be called a 'No Man's Land Bill,' but I don't quite think that the Bureau of Conveyances is the right agency to undertake the funding of these studies. I agree with the previous speaker from Kailua, that it should be done by the private owners or adjacent owners who want to see improvements in the property. If they form a *hui* or something, perhaps they can undertake this job, but as the bill stands now I have this reservation. Thank you."

Representative Rhoads rose to respond, stating:

"Mr. Speaker, still in support. My response to that is, as far as I know, no *hui* has ever done that. I'm not aware of a single *hui* or single private property owner along one of these lanes who has filed a quiet title action. This has been a problem for decades and no one has done it. I think at some point you just have to say that the private sector is not going to take care of this problem and we've got to do something ourselves otherwise it's

never going to happen, because at this point it's not happening. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I have reservations on this measure and I believe that it's not the responsibility of the Bureau of Conveyances to act as a party in looking at the particular property, or to require the Bureau of Conveyances to provide that particular service. That's not their role. What they should do is hire a good attorney like the good Representative from Kalihi and that area there to seek some redress to that particular problem.

"Mr. Speaker, it's not my style, but I would want to incorporate the message and words from the Representative of Kailua. It gives me a little pain when I do that, but she hit it right on the nail. It's not the role of the Bureau of Conveyances. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with strong reservations to H.B. 2835, Relating to Bureau of Conveyances. This bill allows any adjoining landowner to request the registrar to provide to the landowner any information of record relating to the management, control, and title of any public road, alley, trail, street, way, or other public highway and any waterway or water course, including rivers, streams, ditches, and *auwai*.

"My office has worked for years on fixing this issue. I do support the intent of this bill, however it needs work. I hope to see this bill amended to find a better solution. The DOT states in their testimony that this bill will, "cause undue hardship and take an extraordinary amount of time to accurately research, identify and provide available ownership information for highways, roads, lanes, alleys, and streams. There are no known existing available data bases at the Bureau of Conveyances for this bill."

"The Representative from District 28 stated that approximate costs are $15,000 to $20,000. One must ask, "where will the money come from to make this bill a reality?" Right now our economy is in dire straits with furloughs, lay-offs and many other economic challenges. Thank you."

Representative Finnegan rose in opposition to the measure and asked that the remarks of Representatives Souki and Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2835, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan and Thielen voting no, and with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 253-10) recommending that H.B. No. 2449, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 254-10) recommending that H.B. No. 2689, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2689, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. No. 254, I am in favor with reservations. I think we should label this particular bill, 'We Should Look a Gift Horse in the Mouth Bill.' I don't know exactly what we would be receiving as a gift in this. It might be some serious liability issues, so I hope that the Finance Committee will look at the downside of the bill for the State very carefully."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2689, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 255-10) recommending that H.B. No. 2383, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 256-10) recommending that H.B. No. 1943, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1943, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 257-10) recommending that H.B. No. 2058, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 258-10) recommending that H.B. No. 2945, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2945, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"In strong support with written comments please."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of HB 2945, Relating to Economic Development. This bill takes the best parts of Utah's Fund of Funds program in order to increase the availability of venture capital for the State's emerging industries. Other states have

used similar programs and have benefitted with improvements to capital availability and revenue generation.

"Over a thousand high-paying jobs were created in Utah because of their program. We need to give our businesses all the help they can get if we want to lower unemployment and do things like win more federal contracts and diversify our economy with high technology companies.

"For these reasons, Mr. Speaker, I strongly support HB 2945."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2945, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 259-10) recommending that H.B. No. 2423, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2423, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to require the Department of Education (DOE) to use zero-based budgeting principles in formulating the budget for the 2011-2012 fiscal year.

"Zero-based budgeting requires that the existence of a government program or programs be justified in each fiscal year, as opposed to simply basing budgeting decisions on a previous year's funding level.

"Zero-based budgeting is often encouraged by fiscal watchdog groups as a way to ensure against unnecessary spending. Zero-based budgeting, or some modified version of it, has been used in the private and public sectors for decades.

"Case studies about businesses and governments that have adopted zero-based budgeting, or some hybrid of it, generally report some improvement quantitatively or qualitatively. That is, the process has either saved money, improved services, or both.

"In addition to saving money and improving services, zero-based budgeting may increase restraint in developing budgets. It will reduce the entitlement mentality with respect to cost increases and make budget discussions more meaningful during review sessions.

"For these reasons I support this measure and urge my colleagues to do the same. Thank you."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, this bill presents a chance to create clear transparency in the Department of Education budget, to cut any fat, choose priorities, and fund only what is necessary to the core mission of educating our children. With a zero-based budget the Department will build the budget position by position, program by program, from the ground up, and we will see where every dime goes."

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

Representative Belatti's written remarks are as follows:

"I rise in strong support of House Bill 2423, House Draft 1. With education appropriations amounting to approximately 23.06% of the State's total budget in fiscal year 2009, this bill has the potential to bring more clarity, transparency and accountability to the Department of Education's budgeting process that the public is demanding. Applying zero-based budgeting principles would require DOE programs to be justified in each fiscal year, as opposed to simply basing budgeting decisions on a previous year's funding level. While I believe we need to place public education as a top priority of government, we should hold ourselves accountable to the taxpayer. Beginning to use zero-based budgeting with the Department of Education would be a good start on the path to greater transparency and accountability."

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

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of HB 2423, Relating to Education Budget. Case studies show improvements in businesses and governments that use zero-based budgeting or a hybrid of it. It resulted in saved money, improved services or both.

"The Department of Education is already researching the procedures required to implement zero-based budgeting, as they should be. We don't have an unlimited budget and everyone has to find ways to save the State money.

"This bill will help show us what the real priorities are for the DOE and hopefully will help prevent the reoccurrence of ever furloughing our students again. For these reasons, Mr. Speaker, I strongly support HB 2423."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2423, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION BUDGET," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 260-10) recommending that H.B. No. 2605, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2605, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 261-10) recommending that H.B. No. 1927, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1927, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 262-10) recommending that H.B. No. 2302, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2302, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to House Bill 2302. This bill would put the Information Technology Officer into the Office of the Lieutenant Governor. Mr. Speaker, I see that the bill goes on to Finance and it may end up making sense to do it. But with the truncated budget of the Lieutenant Governor, it just wouldn't work to have this happen at this point. I would like to at this point vote no, but wait to see what action will be taken by Finance to beef up the Lieutenant Governor's budget. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, in opposition, Mr. Speaker. I believe that this is an Executive function. An administerial function and should be done at the department level and not in the Lieutenant Governor's Office. I have the same concerns about lack of resources for this function so I must vote no. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Marumoto and Thielen voting no, and with Representatives M. Lee and Souki being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 263-10) recommending that H.B. No. 2565, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2565, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 264-10) recommending that H.B. No. 2089, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2089, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you. Mr. Speaker, I'm an insurance broker and I would like a ruling on potential conflict of interest," and the Chair ruled, "no conflict."

Representative Takai continued in support of the measure, stating:

"Thank you, Mr. Speaker. I just wanted to rise briefly and support this measure. I believe in transparency and I think this bill should move forward. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 265-10) recommending that H.B. No. 2575, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2575, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2575, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Second Reading and was referred to the Committee on Judiciary, with Representative Nishimoto voting no, and with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 266-10) recommending that H.B. No. 2801, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2801, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'm standing in strong support for House Bill 2801, HD 1, Stand. Com. Report. No. 266-10. Just brief comments, Mr. Speaker. The Chair is aware that we need a letter from the Administration for an emergency appropriation for the release of any type of money to help our HHSC System. In the spirit of working together and being proactive, we wanted this measure to move forward to support that. If the Governor does see the same things that we've been seeing in our communities with the increased needs for healthcare, then this measure should continue to move forward to especially help those in our rural areas and our Neighbor Island colleagues. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2801, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 267-10) recommending that H.B. No. 1859, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 268-10) recommending that H.B. No. 2652, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 268-10, that H.B. No. 2652, HD 1, be recommitted to the Committee on Health, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 2652, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL

PROCEDURES," was recommitted to the Committee on Health, with Representatives M. Lee and Souki being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives M. Lee and Souki were excused.)

THIRD READING

H.B. No. 1992, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2254, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER SECURITY," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2721, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2360:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2360, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 12:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1992, HD 1
H.B. No. 2254, HD 1
H.B. No. 2721, HD 1
H.B. No. 2360

END OF CALENDAR

UNFINISHED BUSINESS

At 12:51 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

H.B. No. 2249:

Representative B. Oshiro moved that H.B. No. 2249, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

At 12:56 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

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

"Yes, just in support of the recommital. I just wanted to say thank you to those who made the motion because the entire Republican Caucus was against this measure. We really believe that it would have damaged the image of the House of Representatives in trying to promote an honest and open government that's not bought and paid for by contractors that get State contracts."

Representative Souki rose, stating:

"Mr. Speaker, I beg your forgiveness, but I believe that we should call for a vote on this measure, and not move for the recommital."

The Chair responded, stating:

"The motion before this Body at this point is a motion to recommit."

At 12:58 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

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

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in support of the motion to recommit H.B. 2249.

"The motion to recommit is in order because it is apparent that the majority of the Members of this Body do not support H.B. 2249.

"H.B. 2249 is a step backwards. It reverses the ban on government contractor contributions that the Legislature enacted only four years ago in 2005. The House Judiciary Committee has not articulated a basis to reverse the ban.

"There is a concern that H.B. 2249 will further erode public confidence in the Legislature. The concern is that over the past year, the Legislature has not addressed statewide matters, but has focused on narrow issues that may be deemed to be self-serving. The following opinion piece that was published in the Honolulu Advertiser on February 1, 2010, articulates this concern:

Lawmakers in new move to line their pockets
February 1st, 2010 by David Shapiro, Honolulu Advertiser

You know the Legislature is back in session when Rep. Jon Riki Karamatsu is busy at work priming the already fat campaign chests of himself and his fellow legislators.

Last year, an outcry from clean elections groups forced the Judiciary chairman to back off a scheme to abolish limits on corporate donations to political action committees that support lawmakers' campaigns.

But Karamatsu and his colleagues won out in the end when the courts stuck down the limits, leaving corporations and labor unions to dominate elections while ordinary citizens, who can donate $1,000 per election, have barely a whisper.

This year, less than two weeks into the session, Karamatsu has already pushed a bill through the Judiciary Committee to ease restrictions on campaign donations to candidates and political parties by government contractors — opening the door anew to the pay-to-play ethic that has fed charges of bribery and corruption in local government contracting.

HB2249 passed the Judiciary Committee by a 9 to 1 vote with only Rep. Della Au Belatti objecting, and could come up for a floor vote as early as this week despite opposition from the state Campaign Spending

Commission, Common Cause Hawai'i and Americans for Democratic Action. Nobody testified in favor of the measure.

"This change would open the way to allegations or the reality of corruption and further decrease the confidence the public has in state government," said Barbara Polk of ADA. "The public needs to know that government contracts are not awarded on a quid pro quo basis, depending on contractors contributions to candidates or parties."

Nikki Love of Common Cause said, "The existing law is the result of a 'pay to play' reform enacted in 2005 in response to public concern about ties between contracts and political contributions. The existing law is clear and simple. The question now is: Why change this law? We believe that there is already enough money in politics."

Attacks on campaign spending limits are usually piously tied to the free-speech rights of special interests.

But Karamatsu, who may run for lieutenant governor, has tied it to legislators' rights to have more corporate money — and for uses other than campaigning, such as making charitable contributions out of their campaign funds instead of out of their own pockets like everybody else.

He chastised critics last year that "costs have gone up extraordinarily ... you're tying our hands on what we can do here."

The Honolulu Advertiser

"This Body should maintain standards and stand for reform. Ironically, our counterparts in the U.S. Congress are now working on legislation to ban government contractor contributions, in response to the U.S. Supreme Court's decision in Citizens United v. Federal Election Commission. We should point to our existing statutory government contractor contribution ban as a model. Thank you, very much."

Representative Rhoads rose to speak in support of the motion to recommit, stating:

"In support of the motion to recommit. I just want to congratulate the Minority Party here in the State of Hawaii for breaking ranks with their national counterparts who want as much corporate money in the process as possible. Mahalo."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, recommitting this bill will preserve and uphold the barrier between campaign contributions and the reward of government contracts. We must not open the floodgates to political campaign contributions from companies bidding on contracts with the State. It's called "pay to play" in DC, and allowing it will undo decades of progress fighting corruption and old boy politics.

"Absolutely nobody testified in favor of this bill, yet, our House has pushed this bill forward. This could be one of the first bills we pass out this year, and it is a bill designed to fill our political coffers and benefit us. We cannot allow this bill to pass, and we must re-commit it."

Representative Ward rose, stating:

"Mr. Speaker, I would like to rebut that. With the McCain-Feingold legislation supported by a Republican and a Democrat, and those who are associating the National Republican Party with the party of corporate money, if you look at the ruling that was just made by the Supreme Court, it's for unions and for corporations. So I would like Chair, if I could move that this gentleman's remarks be stricken from the record please."

The Chair responded, stating:

"No. Not at this point."

Representative Pine rose to respond, stating:

"Yes, in rebuttal and in support of the recommital. Actually I just wanted to clarify the Labor Chair's comments. We're actually breaking ranks also from the National Democrat Party that wants corporate contributions."

The Chair addressed Representative Pine, stating:

"Representative Pine, please confine your remarks to this motion to recommit. That's all we're talking about, the motion to recommit. If you want to insert written comments, you may, in support, but I'll be checking on what you're writing in the written comments. It is the motion to recommit that is being debated, and not this issue that is contained in the bill."

Representative Thielen rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. I'm rising in support of the motion to recommit. Thank you. This shows the power of six, Mr. Speaker. Thank you."

Representative Belatti rose in support of the motion to recommit and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in support of the recommittal of House Bill 2249. Recommittal is proper here where the underlying bill clearly does not have support for passage. It is baffling how this bill has moved forward without anyone stepping forward to defend the move to weaken a well-reasoned prohibition on political donations by those who benefit from contracts that are ultimately funded by taxpayer monies. This lack of support for the underlying bill is laid bare by the fact that the only testimony provided in Committee was testimony in opposition. Until reasons are publicly articulated in support of this measure, recommittal of this bill is a wise decision by this House."

Representative Ching rose in support of the motion to recommit and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the motion to recommit H.B. 2249, Relating to Elections. I believe that the current law is sound and I am not sure changing the law is required. I have concerns that this measure might give the perception of impropriety and could cause people to lose faith in our political system. This belief is based on the very real "pay-to-play" attitudes that existed before the enactment of the current law. The Americans for Democratic Action, Common Cause, and the State Campaign Spending Commission have all brought up concerns on this measure and state in their testimony that they cannot support this measure. I think the old adage of "If it's not broke, don't fix it" certainly applies here. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2249, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Judiciary, with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 196-10) recommending that H.B. No. 134, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 134, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 197-10) recommending that H.B. No. 939, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 939, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, it is important we protect our beaches from unchecked overdevelopment. Kailua Beach is eroding, yet houses are being built closer and closer to the waters edge. New construction on Kailua Beach must go through the appropriate permitting process and we must be sure that process adequately assesses the potential impacts new structures will have on our beach."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 198-10) recommending that H.B. No. 1684, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 1:03 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 134, HD 2
H.B. No. 939, HD 1
H.B. No. 1684, HD 2

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 38) and concurrent resolutions (H.C.R. Nos. 81 and 82) were referred to Printing and further action was deferred:

H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING THE INVESTIGATION AND CLEANUP OF THE ILLEGAL DISPOSAL OF TRASH AT NORTH SCHOOL STREET AND RICHARD LANE IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING IN THE AREA," was jointly offered by Representatives Manahan and Mizuno.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was offered by Representative Mizuno.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INVESTIGATION AND CLEANUP OF THE ILLEGAL DISPOSAL OF TRASH AT NORTH SCHOOL STREET AND RICHARD LANE IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING IN THE AREA," was jointly offered by Representatives Manahan and Mizuno.

ANNOUNCEMENTS

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs requested a waiver of the 48-hour advance notice rule to have decision making on the following measure on Thursday, February 11, at 11:30 a.m. in Conference Room 312, and the Chair "so ordered."

HB No. 1926, Relating to the Department of Business, Economic Development, and Tourism.

ADJOURNMENT

At 1:04 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 11, 2010. (Representative M. Lee was excused.)

SIXTEENTH DAY

Thursday, February 11, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:09 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Father Manuel Dela Cruz, MS of St. Anthony's Church, after which the Roll was called showing all Members present with the exception of Representative Souki, who was excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Eighth and Ninth Days were approved. (Representative Souki was excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 173) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 173, dated February 4, 2010, transmitting the Report to the Twenty-Fifth legislature, State of Hawaii, 2010, pursuant to Section 321-63, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report on Dental Health Activities, Expenditures, and Recommendations.

The following message from the Governor (Gov. Msg. No. 174) was received and announced by the Clerk:

Gov. Msg. No. 174, dated February 4, 2010, requesting immediate consideration and passage of H.B. No. 2523, making an emergency appropriation of $900,000 out of the Aloha Tower Fund for fiscal year 2009-2010 to in effect increase that fund's spending ceiling to allow the Aloha Tower Development Corporation to pay for the settlement of a claim with Kenneth H. Hughes, Inc.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 14 through 21) were received and announced by the Clerk:

Sen. Com. No. 14, informing the House that the Senate has on February 9, 2010, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 1311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."

Sen. Com. No. 15, transmitting S.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO LIFE SETTLEMENTS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 16, transmitting S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 17, transmitting S.B. No. 2018, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 18, transmitting S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 19, transmitting S.B. No. 2602, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 20, transmitting S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 21, transmitting S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on February 10, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred:

S.B. No. 2016
S.B. No. 2017
S.B. No. 2018
S.B. No. 2432
S.B. No. 2602
S.B. No. 2754
S.B. No. 2759

INTRODUCTIONS

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

Representative Sagum introduced his cousin, Mr. Scott 'Scooter' Sagum; daughter, Ms. Nicole Sagum, and her friend, Ms. Brooks.

Representative Wooley introduced 5th grade students of Hau'ula Elementary School and their teacher, Ms. Kit Andus.

Representative C. Lee introduced former House staff member, Ms. Kim Fassler who was visiting from China.

Representative Ward introduced his constituent, Mr. Rich Smylie.

Representative Luke introduced the 3rd and 5th grade students of Soto Academy and their teachers, Ms. Rose Ann Nakamoto, and Ms. Debra Brockett.

Representative Luke further recognized Soto Academy students, Mason Nakamura, a baseball friend; and Brandon Nakamura.

At 12:18 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Chang, Chong, Mizuno, Rhoads, Souki and Wakai were excused.)

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 241-10) recommending that H.B. No. 1190, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1190, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. In strong support. I'd just like to thank the introducer of this bill for bringing this back again because this is an issue that has literally paralyzed my community, and paralyzed the second most popular visitor destination in the State of Hawaii, causing very serious economic damage. So I thank you again, and this is a good bill. Mahalo."

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

"In support, Mr. Speaker. I want to thank the Chair of Transportation for supporting this measure, as well as all of you. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," passed Third Reading by a vote of 51 ayes.

At 12:41 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1190, HD 1

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 269-10) recommending that H.B. No. 2237, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 270-10) recommending that H.B. No. 2922, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 271-10) recommending that H.B. No. 2215, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2215, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 272-10) recommending that H.B. No. 2301, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2301, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Second Reading and was referred to the Committee on Finance.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 273-10) recommending that H.B. No. 2561, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2561, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was referred to the Committee on Finance.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 274-10) recommending that H.B. No. 1973, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESECRATION," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 275-10) recommending that H.B. No. 1961, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1961, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am in strong support."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 1961—Relating to the Kaho'olawe Rehabilitation Fund. As founder of the Heritage Caucus whose mission is to preserve the unique locations of Hawaii, and as a past President of Life of Land, I recall supporting the rehabilitation of Kaho'olawe and strategies to implement a successful plan for rehabilitation. However, while I see the good intention of the bill, I still have some concerns.

"The Ocean Tourism Coalition (OTC) states in their testimony that businesses are "fighting for their very survival in this difficult economic climate. Tourists already are not spending as much to take tours like the ones we offer. Our passenger counts are down significantly in spite of heavy discounting in the marketplace." I think the OTC brings up some real concerns, but I feel that this bill is the wrong vehicle at the wrong time. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE REHABILITATION TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Ching voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 276-10) recommending that H.B. No. 2844, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2844, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 277-10) recommending that H.B. No. 2708, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2708, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 278-10) recommending that H.B. No. 2601, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 279-10) recommending that H.B. No. 2606, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2606, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 280-10) recommending that H.B. No. 1205, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1205, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TAX INCREMENT BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 281-10) recommending that H.B. No. 2661, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2661, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 282-10) recommending that H.B. No. 1813, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1813, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'm sorry, Mr. Speaker. I just wanted to have a possible conflict resolved if possible. I'm not sure if I need to declare this, but for Hawaii Medical Center, Stand. Com. Report 282, my husband was employed by Hawaii Medical Center and our family did invest," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII MEDICAL CENTER," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 283-10) recommending that H.B. No. 2917, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2917, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2917, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCES," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 284-10) recommending that H.B. No. 2085, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2085, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 285-10) recommending that H.B. No. 2090, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2090, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 286-10) recommending that H.B. No. 2087, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2087, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 287-10) recommending that H.B. No. 2267, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2267, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"On Stand. Com. No. 287, may I have a ruling on a potential conflict? At my law firm, I represent a couple of Charter Schools," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2267, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 288-10) recommending that H.B. No. 2740, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 289-10) recommending that H.B. No. 2306, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2306, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 290-10) recommending that H.B. No. 2897, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2897, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 291-10) recommending that H.B. No. 2929, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2929, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 292-10) recommending that H.B. No. 2029, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2029, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 293-10) recommending that H.B. No. 2818, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2818, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 294-10) recommending that H.B. No. 2434, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2434, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker. On Stand. Com. No. 294-10. I'd just like to note my reservations and would hope that as this moves forward to the Water, Land, & Ocean Resources Committee, that we have testimony from the various counties who will be affected by this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 295-10) recommending that H.B. No. 2283, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 296-10) recommending that H.B.

No. 745, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 745, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak with reservations concerning House Bill 745 HD2 – which eliminates the requirement to send a ten-day pending notice requesting additional medical evidence when it is determined by DHS eligibility workers that an applicant does not have certain disabilities that would qualify him or her for General Assistance.

"During the Human Services Committee hearing, the DHS Director spoke in favor of the bill, citing the need for increasing efficiency and timeliness in the process. Citing a ten-percent increase in volume of GA applications, the Director tried to make a case for cutting out a critical step in the process which currently enables an applicant to supply additional medical evidence to back up their claim.

"I do sympathize with the Department's need to keep up with an increasing workload during this time of budget cutbacks and restrictions, not only in DHS but in all departments. However, I cannot support legislation which I believe will unfairly impact people with disabilities. This bill will remove current protections and take away an applicant's right to a second medical opinion when they have been denied certification by a physician hired by DHS. Under the existing process, an applicant is asked to complete a form which does not allow for the inclusion of any medical evidence. The disability determination is then made after a cursory examination by the DHS doctor.

"I believe that the availability of a second opinion is a basic human and legal right. This bill takes away that right. Since the bill in its HD2 version now contains an appropriation to provide general assistance to households without minor dependents, I am hesitant to vote no. However, I do ask that my strong reservations to HB 745 HD2 be noted."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 745, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 297-10) recommending that H.B. No. 2355, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 298-10) recommending that H.B. No. 2154, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE CASE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 299-10) recommending that H.B. No. 2160, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 300-10) recommending that H.B. No. 2260, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2260, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST HEALTH CARE PAYMENTS," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 301-10) recommending that H.B. No. 2467, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2467, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Nishimoto voting no.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 302-10) recommending that H.B. No. 2978, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 303-10) recommending that H.B. No. 2643, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 304-10) recommending that H.B. No. 2637, be referred to the Committee on Finance.

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

2637, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 305-10) recommending that H.B. No. 1905, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1905, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with serious reservations on Stand. Com. No. 305, HB 1905 that would create two new separate accounts in our general fund. Mr. Speaker, we've already got 40% of our budget squirreled away in special funds. This bill is going to squirrel away $338 million more by separate accounts in the general fund. This is a bill that is not necessary at this time. I repeat, not necessary. We've got $275 million that we have by a tax refund lag. We have no need to put back in at this point just the same way that Cayetano's payroll lag is never showing up on our books and as you know, there is, someone said this morning, $1.2 to $1.8 billion possibly being as a deficit.

"So to do this and then put the funds into the ERS at this time, which is also not necessary, I think as we make fun of pushing the can down the road as being insufficient, I think it's the way that small businesses survive at a burden of $338 million onto the budget that's already in the red doesn't make good fiscal sense, Mr. Speaker. So I have very serious reservations on why we're doing this and I hope the Chair of Finance seriously looks at this as he looks at this cash flow statement. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1905, entitled: "A BILL FOR AN ACT RELATING TO STATE PAYMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 306-10) recommending that H.B. No. 2533, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2533, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 307-10) recommending that H.B. No. 2538, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 308-10) recommending that H.B. No. 2711, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2711, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 309-10) recommending that H.B. No. 2460, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 310-10) recommending that H.B. No. 2493, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 311-10) recommending that H.B. No. 2823, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 312-10) recommending that H.B. No. 2855, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance.

THIRD READING

H.B. No. 2618, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 51 ayes.

H.B. No. 1862, HD 1:

Representative B. Oshiro moved that H.B. No. 1862, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

"Yes, with reservations and a short statement that I believe that the county is negligent in providing the kind of facilities that are needed in that respective area. For that reason, I am with reservations."

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

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

"Mr. Speaker, in support. And briefly, many urban areas should have a *shishi* bill like this. This should be expanded."

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

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

"In strong support, Mr. Speaker. And I would also like this extended, especially in my district of Waipahu."

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

The motion was put to vote by the Chair and carried, and H.B. No. 1862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

H.B. No. 2397, HD 1:

Representative B. Oshiro moved that H.B. No. 2397, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, moving the primary election date forward will encourage better participation in our democracy. It will give new candidates a better chance to get their message out in the short time between the primary election and the general election, and level the playing field that currently gives incumbents a much greater advantage."

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

Representative Finnegan's written remarks are as follows:

"I rise in support of this measure. HB 2397 moves the date of the primary election to the second Saturday of August and requires nomination papers to be filed not later than 4:30 p.m. on the first Tuesday in June. Our troops have served our country honorably by defending democracy around the world. This measure ensures that our veterans and their opinions are represented in our democracy, here at home."

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to ensure compliance with the Federal National Defense Authorization Act that requires states to mail absentee ballots to uniformed and overseas voters no later than 45 days prior to federal elections.

"This bill will move Hawaii's Primary Election date to the second Saturday in August and move the deadline for filing nomination papers to the first Tuesday in June. Deployed military personnel still want to be a part of the democratic process, expanding these deadlines is an important way of giving them an opportunity to do so.

"This bill addresses many concerns that the Office of Elections had raised about timing. This will allot more time for our troops to fill out and submit their absentee ballots. If a person is deployed we should not disregard the fact that they are a citizen of the United States and therefore still have the right to vote in any given election.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1863, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2077, HD 1:

Representative B. Oshiro moved that H.B. No. 2077, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Upon further review of HB 2077, I have no issues with this measure. My no vote was a mistake."

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

The motion was put to vote by the Chair and carried, and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

At 12:54 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2618, HD 1
H.B. No. 1862, HD 1
H.B. No. 2397, HD 1
H.B. No. 1863, HD 1
H.B. No. 2077, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 39) and concurrent resolution (H.C.R. No. 83) were referred to Printing and further action was deferred:

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO APPROVE THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE RIAU ISLANDS PROVINCE OF INDONESIA," was jointly offered by Representatives Ward, Aquino, Brower, Ching, Finnegan, Hanohano, Karamatsu, Manahan, Marumoto, Pine, Awana, Berg, Bertram, Cabanilla, Carroll, Har, Shimabukuro and Takumi.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO APPROVE THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE RIAU ISLANDS PROVINCE OF INDONESIA," was jointly offered by Representatives Ward, Aquino, Brower, Ching, Finnegan, Hanohano, Karamatsu, Manahan, Marumoto, Pine, Awana, Berg, Bertram, Cabanilla, Carroll, Har, Shimabukuro and Takumi.

ANNOUNCEMENTS

Representative Chang: "I would like to inform our Members that we have a birthday boy in the House and he happens to be sitting right next to me, from Kauai. Representative Roland Sagum."

Vice Speaker Magaoay: "Representative Sagum, do you have anything to say besides noticing that you're getting older?"

Representative Sagum: "I'll be accepting presents after this session. And I'm 35."

Representative Cabanilla: "Mr. Speaker, I just would like my colleagues here on the Floor to notice this *cheongsam* that I'm wearing today. Yes, it's beautiful. Thank you. And I'm wearing this today in honor of Chinese New Year and to wish all my Chinese friends and constituents a *Kung Hee Fat Choy*."

ADJOURNMENT

At 12:55 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 12, 2010.

SEVENTEENTH DAY

Friday, February 12, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Dr. Stephen R.P.K. "Kalani" Brady of the John A. Burns School of Medicine, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Cabanilla and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 175 through 179) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 175, dated February 1, 2010, transmitting the Hawaii Health Systems Corporation report on an Internal Audit of management and operations of the corporation and regions pursuant to Section 323F-22(d) HRS.

Gov. Msg. No. 176, dated February 8, 2010, transmitting the Annual Report on Correctional Industries, as required in Section 354D-3.5, Hawaii Revised Statutes.

Gov. Msg. No. 177, dated February 8, 2010, transmitting the Act 8 (2007), Special Session, Part 1, Section 7(c) Return of Out-of-State Inmates and Reentry into the Community, and Part 7, Section 21, Inmate Reentry into the Community Report.

Gov. Msg. No. 178, dated February 8, 2010, transmitting the Act 162, Part VII, Section 161, Department of Public Safety Overtime Costs Report.

Gov. Msg. No. 179, dated February 8, 2010, transmitting the Act 240 (2008), Services for Children of Incarcerated Parents Report.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 22 through 28) were received and announced by the Clerk:

Sen. Com. No. 22, transmitting H.B. No. 2162, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 23, transmitting S.B. No. 2015, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 24, transmitting S.B. No. 2375, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 25, transmitting S.B. No. 2524, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 26, transmitting S.B. No. 2596, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 27, transmitting S.B. No. 2699, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on February 11, 2010.

Sen. Com. No. 28, transmitting S.B. No. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," which passed Third Reading in the Senate on February 11, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Bertram, Cabanilla and Takumi were excused.)

S.B. No. 2015, SD 1
S.B. No. 2375, SD 1
S.B. No. 2524, SD 1
S.B. No. 2596, SD 1
S.B. No. 2699, SD 1
S.B. No. 2812, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 59) was received by the Clerk and was placed on file:

Dept. Com. No. 59, dated February 9, 2010, from Chiyome Leinaala Fukino, M.D., Director of Health, Department of Health, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Chapter 321-27, Hawaii Revised Statutes, Requesting the Department of Health to Submit a Report on the Status of the Environmental Health Education Fund.

INTRODUCTIONS

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

Representative Manahan introduced his friends and constituents, Mr. Edgar Fernandez, Ms. Erin Nicole Fernandez and Ms. Erica Dawn Fernandez; as well as Ms. Emilia Agatep of New York, and Mr. Nestor Guevarra of the Philippines.

Representative McKelvey introduced Mr. Justin Hughey, a teacher at King Kamehameha III Elementary School who was accompanied by legislative staff, Mr. Charlie Wood.

Representative Mizuno introduced Ms. Inga Gibson and members of the Humane Society of the United States, Ms. Vanessa Golding-Fox of the Hawaii Humane Society, and other animal rights advocates.

At this time, the Chair announced:

"Before we go through the Order of the Day, the Chair would like to ask for your indulgence and your understanding. If you're going to speak on Second Reading, would you kindly insert written comments, for or against the measures that are on pages 2 to 23. That way we can support our Members who are catching their flights to the Neighbor Islands so that they can have their four-day weekends since today is Furlough Friday.

"If you all understand the Chair's request, with your patience and your indulgence, would it be possible to submit written comments for or against on these Second Reading measures?"

At 12:14 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
39	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
40	Committee on Agriculture, then to the Committee on Tourism, Culture, & International Affairs

H.C.R. Nos.	Referred to:
83	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
84	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance
85	Committee on Health, then to the Committee on Finance
86	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
87	Committee on Tourism, Culture, & International Affairs
88	Committee on Labor & Public Employment, then to the Committee on Legislative Management
89	Committee on Agriculture, then to the Committee on Tourism, Culture, & International Affairs

S.B. Nos.	Referred to:
2015, SD1	Committee on Consumer Protection & Commerce
2016	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2017	Committee on Consumer Protection & Commerce
2018	Committee on Consumer Protection & Commerce
2375, SD1	Committee on Transportation, then to the Committee on Judiciary
2432	Jointly to the Committee on Higher Education and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2524, SD1	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources
2596, SD1	Committee on Consumer Protection & Commerce
2602	Committee on Consumer Protection & Commerce
2699, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2754	Committee on Transportation, then to the Committee on Judiciary
2759	Committee on Transportation, then to the Committee on Judiciary
2812, SD1	Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
2739	Committee on Finance
2741	Committee on Finance

H.C.R. No.	Re-referred to:
66	Committee on Water, Land, & Ocean Resources

STANDING COMMITTEE REPORTS

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 313-10) recommending that H.B. No. 2845, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2845, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 314-10) recommending that H.B. No. 2486, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2486, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill.

"This bill calls for a minimum of 1,080 student instructional hours per year in grades K-8. Based on the current school day, the increased number of instructional hours would amount to a 229 day instructional year. This would give us an increase of 45 days per year.

"I believe that the interest and education of Hawaii's children should be our first priority. Today's students are expected to know more and to meet higher standards so that they may flourish in a highly competitive marketplace.

"It is imperative that we increase the number of instructional hours per school year for each grade to promote achievement. At less than six and a half hours a day, Hawaii's children are unable to compete with their mainland counterparts. In addition, we do our teachers a disservice by

giving them so little time with their students. As a parent I would like to see Hawaii's children have the same length of instructional time as their counterparts on the mainland.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker. This bill extends our school year by requiring minimum instructional time for our students. It won't be a quick fix for our public schools, but it is an absolutely necessary first step to prevent a generation of our children from growing up with only a fraction of a full education. I want to see teachers have more school days at their disposal to teach our children if they so choose. I want to see Hawaii's schools match the best in the world, but it's not going to happen unless our children are given more time to learn."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2486, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 315-10) recommending that H.B. No. 2574, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2574, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 316-10) recommending that H.B. No. 2604, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2604, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 317-10) recommending that H.B. No. 2296, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 318-10) recommending that H.B. No. 2639, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 319-10) recommending that H.B. No. 2939, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2939, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on Stand. Com. Report 319, I'm in support, but actually I think with reservations. I'd like to include some written comments, but the reason I have reservations is, as I stated on the Floor before, the Legislature created the Long Term Care Commission and gave it a mission. The appropriation was never released by the Governor and the Chair of the Long Term Care Commission went out and got private money to get the study done. So it seems rather presumptuous of us to then tell him what to do. I think this bill might be better as a resolution. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I am in support with reservations on HB2939. I support this bill with reservations because the Commission and Chair Ho went to great lengths to obtain private funding for its study and is now on the way to producing a vital five-year plan to achieve the State's long-term care policy goals. After taking into consideration the Commission's commitment to Hawaii's long-term care, I would be embarrassed to now tell the Commission what to do.

"This is more appropriately addressed in a resolution."

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

"Mr. Speaker. I am in favor, with strong reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2939, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LONG TERM CARE COMMISSION," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 320-10) recommending that H.B. No. 2631, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 321-10) recommending that H.B. No. 2667, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2667, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, while cutting legal corners made the Hawaii Superferry a real fiasco, it was clear that an interisland ferry service could have real public benefits. We now know where we must be cautious to prevent

negative environmental impacts, and I'm glad to see the State looking into the potential of an interisland ferry service once again. This time our environmental laws must be followed, and the process must be legitimate before a ferry begins operation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 322-10) recommending that H.B. No. 2583, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 323-10) recommending that H.B. No. 2250, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2250, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to vote against House Bill 2250 and just to request of the Finance Committee to really take a look at the impact this bill could have on victims of domestic abuse. Abusive spouses, as we were told at the Committee hearing, could use this bill to take children away from the abused spouse."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm also in opposition to this bill. We had testimony that the law is not working correctly and this change would not help victims of domestic violence in keeping their children. They fear for their safety, so I'm voting no at this time."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representatives Marumoto and Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you very much, Mr. Speaker. I have serious reservations, and may I have the words of the speaker from Kailua entered into the records as if they were my own?" and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I have serious reservations. The women have said that the law is not working for them, and this one doesn't seem to reach its level. Forgive me for speaking, but a lot of people in this Body don't read the Journal. I know it's the record, but for the sake of alerting people that this may be a bad bill. People have got to know about it, so I think that's what has moved a few people to stand up as myself. Thank you, Mr. Speaker."

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

"Mr. Speaker, please note my reservations for the same reason."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT," was referred to the Committee on Finance, with Representatives Marumoto and Thielen voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 324-10) recommending that H.B. No. 2935, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2935, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I just wanted to please note my reservations on Stand. Com. Report 324. I'm in agreement with the underlying purpose of the bill. I have some reservations about the HD 2 version. Mahalo."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2935, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 325-10) recommending that H.B. No. 2599, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 326-10) recommending that H.B. No. 2000, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 327-10) recommending that H.B. No. 2895, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2895, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURE," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 328-10) recommending that H.B. No. 165,

HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 165, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 329-10) recommending that H.B. No. 2783, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2783, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 330-10) recommending that H.B. No. 823, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 823, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Mizuno's written remarks are as follows:

"I rise in support of Stand. Com. Report No. 330, HB 823. When colorectal cancer is diagnosed at the earliest stage, the five year survival rate is 90%. However, after the cancer spreads, the five year survival rate goes down to 10%. The American Cancer Society stated that for only an additional .55 cents per insured individual per month, tests could be reasonably performed to diagnose this type of cancer. I humbly ask all Members to support HB 823 to reduce colon cancer deaths in our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 823, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 331-10) recommending that H.B. No. 2446, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2446, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TELEVISION AND FILM DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 332-10) recommending that H.B. No. 2592, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2592, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 333-10) recommending that H.B. No. 1847, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1847, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB1847. This bill will support Act 169 from last Session, as well as align our State Nurse Practice Act with the national standard, necessary in the near future for the Interstate Compact and APRN Interstate Compact.

"I agree with deleting the controlled substance dispensing. APRNs should be able to receive samples. I commend the Board of Nursing for working with the stakeholders to reach consensus. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 334-10) recommending that H.B. No. 2312, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2312, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 335-10) recommending that H.B. No. 1366, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1366, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 336-10) recommending that H.B. No. 2813, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2813, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GYNECOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 337-10) recommending that H.B. No. 1902, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1902, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I'll submit some written comments, but this needs to be delayed because of the delay in getting the money. The appropriation was not given by the Governor so the Chair had to go out and get private money to do this study. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I am in support of HB1902. I am in favor of this measure because the extension afforded to the Commission for their final reports are necessary and valid. Private funds were obtained to do a study, but results will be delayed due to lack of funding from the administration. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 338-10) recommending that H.B. No. 2556, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 339-10) recommending that H.B. No. 2971, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2971, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Carroll's written remarks are as follows:

"In strong support of HB 2971. The purpose of this bill is to ensure that any island on which a renewable energy facility is proposed to be built, there must be consultation with the residents of that island when the Energy Resources Coordinator discusses and establishes the terms and conditions of permits, plans, and community benefit agreements regarding such facilities.

"As the State Representative of Moloka`i and Lana`i, currently these two islands are most likely to be affected immediately because of proposals and negotiations taking place to build a solar energy farm and a large wind farm. I find that any project that could impact a community should be subject to the approval of that community. Moreover, because many of the proposals for renewable energy facilities entail the exportation of energy, it is highly important that the island residents be consulted prior to the construction of the facilities and have a voice in the proceedings.

"The bill has been amended to reflect these concerns and I urge my colleagues to support this measure because it is beneficial for everyone that we find win-win solutions to solving our need to produce alternative and renewable energy that will help us get off the importation of oil. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2971, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITY SITING PROCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Morita and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 340-10) recommending that H.B. No. 2421, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2421, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations and note that this is the 'Barrel Tax' that was vetoed the last Session. I'll vote with reservations until we see how far it goes down, or if it disappears, or if we know the veto is going to come again. The point being that domestic violence, poverty, hunger, homelessness, everything is exacerbated in Hawaii, and we seem to de-link the causality with the cost of living.

"Mr. Speaker, I think this bill and others with great causes for the environment are super, but you know the thing that is most intimate in our hearts are the people of Hawaii and we need to help them survive. Not that we don't have to take care of the environment, but we need to stop taxing and increasing the cost of living in Hawaii. Thank you, Mr. Speaker."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.B. 2421 – Relating to Government. This bill establishes various initiatives, and appropriates funds to promote economic development for local food and energy businesses. It also ensures Hawaii is energy and food self-sufficient and sustainable to the maximum extent feasible.

"Although this measure has good intentions to promote our State's economic development and to help Hawaii's natural resources, it represents a large tax increase that will impact all Hawaii residents. As stated by the Department of Taxation, "the State and the Nation are in a recession where taxpayers are worried about their finances. This tax is highly regressive and will impact the poor the most." Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

"Thank you, Mr. Speaker, in support. I just wanted to comment that this isn't an environmental bill. This is an economic stabilization bill for our State. Thank you."

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker I speak in strong support of HB 2421. This legislation establishes initiatives and appropriates funds to increase Hawaii's environmental security and food and energy self-sufficiency.

"More specifically, this measure promotes:

(1) Economic development for local food and energy businesses by providing necessary funding, guidance, and infrastructure;

(2) Hawaii's energy and food self-sufficiency and sustainability to the maximum extent feasible; and

(3) Hawaii's natural resources and better adaptation and resiliency to the inevitable challenges brought on by climate change caused by carbon dioxide and other greenhouse gas emissions from burning fossil fuels.

"Hawaii is at a crossroads. As the most geographically isolated state in the country, we are dangerously dependent on imports for basic food and energy. We import about eighty-five per cent of our food and ninety-five per cent of our energy. It has been estimated that Hawaii exported $8,600,000,000 for food and oil in 2008, and every dollar exported is a lost opportunity to support and invest in local businesses. Our dependence on imports also exposes residents and businesses to volatile food and energy costs as oil prices fluctuate.

"Similarly, many acres of highly productive agricultural lands are not being farmed. Currently, Hawaii has a fresh supply of produce for no more than ten days. Ninety per cent of the beef, sixty-seven per cent of fresh vegetables, sixty-five per cent of fresh fruits, and seventy per cent of all milk consumed in the State are imported. While Hawaii may never produce one hundred per cent of its food, the risks and costs to society for dependence on imported food cannot be ignored.

"HB 2421 specially addresses these serious concerns. Through an increase to the per-barrel tax on petroleum products under the environmental response, energy, and food security tax, formerly known as the environmental response tax, monies will be appropriated for the energy and food security initiatives established by this Act.

"In particular, an Agricultural Development and Security Special Fund will be directed towards, among other things, promoting Hawaii agriculture production and processing, battling varroa mites, controlling and eradicating pests, and planning for construction of waterways and distribution systems. To ensure accountability, the Department of Agriculture would be required to submit a report to the Legislature on the status and progress of programs and activities funded under this special fund.

"HB 2421 establishes crucial initiatives and appropriates necessary funds that will allow Hawaii to increase its environmental security and food and energy self-sufficiency. It is in this regard, I am in strong support of HB 2421. Thank you, Mr. Speaker."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2421. This is another reincarnation of last year's failed barrel tax. Raising this tax in the midst of one of the worst economic recessions that our country has experienced in modern times is absolutely wrong and counterproductive. Whether the increased revenue goes toward a worthy objective or not, the negative financial impacts to consumers and the people of Hawaii will be inevitable. The cost of fuel will increase and so will the cost of any good transported in Hawaii. The proponents of this measure will be responsible for exacerbating the already too high cost of living in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan and Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 341-10) recommending that H.B. No. 2960, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 342-10) recommending that H.B. No. 2812, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2812, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, I'd like a ruling on a possible conflict of interest. I served on two boards of directors of condominiums," and the Chair ruled, "no conflict."

Representative Ching continued in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations of H.B. 2812, Relating to Condominiums.

"I live in a condominium and serve on a condominium Board. I tend to agree with the premise of this measure, which establishes a requirement to provide a balance of members of condominium Boards of Directors in mixed use condominiums so that there is representation provided on these Boards for residential owners and, as stated in supporting testimony, "will give tenants, and owners of condominiums more substantial and equitable representation."

"My only concern is that currently on the Board I serve on we often have trouble getting anyone to serve and create quorum. Any added restrictions may only exasperate this problem. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2812, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection &

Commerce, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 343-10) recommending that H.B. No. 2488, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2488, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just wanted to reveal a potential conflict. I work at a homeless shelter," and the Chair ruled, "no conflict."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote on House Bill 2488. Mr. Speaker, I support finding ways to help and house the homeless, and there are some programs that really do work. This one I don't believe is going to work. It turns our county parks into homeless shelters, and then some things that just seem to not to be appropriate. They're saying that the counties have to put in showers, coin operated washers and dryers, and lockers in the county parks. Then they say there's restriction on just one shopping cart per person for personal possessions.

"Mr. Speaker, shopping carts aren't available to be purchased by the public, but they are available to be taken from markets. The bill, as it is focused, it does not make sense. The overriding purpose, to provide housing for homeless and shelter for homeless does make sense, but this isn't the vehicle. Thank you."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2488. It increases the Conveyance Tax by 15% on the sale of homes valued at $1,200,000 and more to finance the purchase and maintenance of parks under the jurisdiction of the counties to serve the homeless. It also requires the counties to provide matching funds. It was this Body that already raised the Conveyance Tax significantly last year. We can't keep taxing our way out of our budget deficit."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, with reservations. And this bill is a reminder why we all miss Frank Fasi."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Reservations for now."

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

"Mr. Speaker, I'd like to stand in strong support. Homelessness has become a very difficult issue for our community over the last few years, and while there is no clear solution on how to address this issue, this is one possibility to take a look at addressing those who are most needy in our community.

"Secondly, while I know people share some concerns regarding placing this in parks, at some point we're going to need to find some, perhaps temporary solutions to stabilize the situation and find a more permanent and broad solution. But I would just ask the Members to keep an open mind and keep the discussion moving forward. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I think I'll be voting no on this measure and I note that it raises the Conveyance Tax for certain homes to over 15%. We increased that tax last year, and here we're doing it again, so I question this bill. Thank you."

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

"I'm standing in support. I want the words of the Majority Whip in the Journal as my own. I really want to emphasize again, I think that what he was trying to point out is, this is a tool. And if we move this forward, it continues to bring attention to the fact that the homeless population in Hawaii is growing, whether we like it or not.

"This is a real creative tool that we can possibly use to accommodate and have people in safe places, in sanitary conditions. Some of us are worried about putting people in parks, but I think having them in parks with lighting, with showers, with bathrooms, is better than what I see when I drive from the State Capitol through Waikiki. I see the homeless sleeping in doorways of small business owners and that's not acceptable. So I'm really glad that we are moving this forward because if the bill makes it or not, it will bring attention and people will be talking about it. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations. And I just want to say, I appreciate the Majority Whip's diction. I thought he was almost going to make me an offer I couldn't refuse. Thank you."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Luke rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise to speak very briefly in opposition. The part that I have a problem with is if we raise the Conveyance Tax, at least the State has an opportunity to raise taxes for homelessness. The problem I have with this bill is we have the ability to raise taxes, but at the same time what we're doing is we're requiring the counties to put in matching funds to whatever amount we are. I know this year we're looking at taking money away from the counties. The last thing we should do is force the counties to do the same thing that we have the ability to tax people on. Thank you."

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

"Thank you Mr. Speaker, in support. And I want to adopt the words of the Majority Floor Leader and the Majority Whip, and just add that this is already happening in places like the Waianae Coast. Probably the majority

of our parks already are for the homeless and this is something that the community and the police have been asking for, for years; that we designate certain parks where it is legal for them to camp. Because the way it is now, they sweep the parks and they know that they have nowhere to go. And they just go from one park to the next park, to the next park.

"The police are human too, you know. It's not fun to go up to a family with a baby and to tell them that they have to leave knowing that they have nowhere to go. So this is something the community is desperately asking for. Maybe the bill needs some fine tuning, but I'm very, very happy to see that it's a concept that is starting to be embraced by the greater community."

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

"Thank you, Mr. Speaker. In support of Stand. Com. Report 343. The parks issue was actually brought by the Administration. That's why it's in this measure. That was their idea. The Chair of Housing actually incorporated the idea from the Administration regarding the parks so that part of the bill is actually from the Administration. So I am in support. Thank you, Mr. Speaker."

Representative Keith-Agaran rose to speak in opposition to the measure, stating:

"Mr. Speaker, please record a no vote for me. I'm against any more additional mandates on the counties when we're thinking of taking their TAT."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representatives Keith-Agaran and Luke be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose, stating:

"Mr. Speaker, I'd like to change my vote from with reservations to a no vote, and to remind us that as tourism is still our breadwinner, our environment is our economy, and our economy is our environment. If we lose our parks, we lose an integral part of that whole attraction. Thank you."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. With all due respect to the situation that the Representative from Waianae brought up, I'm in opposition."

At 12:35 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

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

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2488, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Ching, Finnegan, Hanohano, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Pine, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 344-10) recommending that H.B. No. 2125, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2125, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"On Stand. Com. No. 344. I am in support with slight reservations and would like to submit written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.B. 2125 – Relating to Environmental Protection. This bill requires businesses in the State to collect an offset fee for each plastic or paper disposable checkout bag, newspaper bag, and laundry or dry cleaning bag distributed to customers.

"I support the Rise above Plastics campaign and respect their efforts to make positive change in our environment, however, the administrative efforts that must be done if this measure is passed will be both grueling and costly. Additionally, this measure will harm local businesses. As stated by the Retail Merchants of Hawaii, "In this troubling economy, retailers should be afforded opportunities to keep their doors open and their employees employed, and not be overly burdened with greater expenses." This measure will also go on to affect the general public, which, according to the Department of Health, is inappropriate at this time of economic difficulty. Thank you."

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

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

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

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2125, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 345-10) recommending that H.B. No. 2676, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2676, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in strong support and I would like to submit comments to the Journal."

Representative Carroll's written remarks are as follows:

"In strong support of HB2676. This bill exempts contracts for the procurement of food or fuel made by the Kahoolawe Island Reserve Commission (KIRC) from the State Procurement Code. Under new amendments to the bill, KIRC would still be subject to the reporting requirements of the State Procurement Code to ensure that the Code is otherwise complied with and to avoid discrepancies in the future.

"The rehabilitation of Kaho`olawe is a matter of vital importance to the Hawaiian community and the State at large. However, KIRC is typically underfunded, which greatly impacts its ability to carry out its mission. As the State Representative of the Island of Kaho`olawe, I am highly in favor of this bill, as I understand the enormity and importance of the task at hand in terms of its impact on the Hawaiian people and the preservation of their cultural heritage.

"Furthermore, I know firsthand that by exempting KIRC from the State Procurement Code it will help them to expedite their process to ensure that food and fuel is provided in a timely manner for their staff to receive in order of fulfilling their mission. I urge my colleagues to please support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 346-10) recommending that H.B. No. 2057, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2057, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 346 I have very serious concerns. I notice that this is a major change in the Procurement Code. There's no testimony. There's no input from the Procurement Institute. And there're sections in here that really bother me. For example, authorizing the Procurement Officer or the Auditor to audit the books of a contractor. I don't see how in the world we can go and audit the books of the private sector, so I have reservations."

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

Representative Berg rose in support of the measure with reservations and asked that the remarks of Representative Herkes be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Hanohano rose in support of the measure with reservations and asked that the remarks of Representative Herkes be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Herkes be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2057, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 347-10) recommending that H.B. No. 2133, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Chang, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 348-10) recommending that H.B. No. 2382, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 349-10) recommending that H.B. No. 2376, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2376, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this measure with reservations. Thank you, Mr. Speaker. This is the constitutional amendment proposing a change to the Board of Education. I do support the effort to change the Board from an elected Board to an appointed Board. In fact, I've supported it pretty much my entire legislative career. I believe the intent here is to model the new Board of Education and the process after the University of Hawaii Board of Regents, and as such, my concern is this.

"If in fact we want to make the entire Board of Education appointed, as provided by law, we still have funky little things at the very end of the Constitution that says the Hawaii State Student Council shall select the public high school student to serve as a non-voting member on the Board of Education. I do support a voting student member on the Board of Education. However, I do believe that if we're going to do this right, and I believe I spoke on it earlier, if we're going to do this right, let's do it right. And let's remove any provisions and any qualifications to any members on the Board of Education and leave to the underlying bill which is not in front of us today, but will be worked on as well.

"Because if you take a look at the question that is posed to the public on page 2, it talks about the entire Board of Education. So my recommendation to the Chairman of the Education Committee is, in discussion during the hearing was to do just that. And I had hoped that it was going to be picked up by the Judiciary Committee. We have more chance in the Finance Committee, but it's kind of this quirky little thing right now that's still sitting there, and that in the end of the day, if this bill passes and the Constitutional Amendment passes, I believe it will raise a considerable amount of questions in the future. Thank you, Mr. Speaker."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I'm opposed to this measure. I believe that we are rushing into changing the current system that we have a little too rapidly.

We're overreacting and I would prefer a resolution or something of that nature where we can study this a little bit more. I still believe in the electoral system and that the Board members should be elected by respective constituencies; possibly smaller constituencies with an increased number of Board members. But just going into this measure, I would hope that somewhere along the line, it would be held back for this year so we can sit back a little bit and begin to see if this is the right way to go. I think the reaction is too early at this point. Thank you."

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

"Yes, in support, Mr. Speaker. We are in an educational crisis, and in a crisis there's no longer any more time for studies or delay. We must be more proactive and we must take a little bit more chances if we want to bring change to our public education system. So I think we should continue this discussion. This of course isn't going to change everything, but it's at least going to make at least just one person truly accountable for the decisions that are made. It takes away all of this back and forth of who's in charge where nothing gets done."

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

"Thank you, Mr. Speaker. I rise in support. I just wanted to clarify that this is the bill for the Constitutional Amendment change, and I would urge our colleagues to pass this at this moment as we work with Finance also to craft the underlying bill. It's the underlying bill that establishes how the Board will be appointed and the process in which the Superintendent will be hired that really warrants all of our attention. Thank you."

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

Representative Finnegan's written remarks are as follows:

"I have serious reservations about this measure. It amends the Hawaii Constitution to provide for a Board of Education to be appointed by the Governor. Although I applaud the desire to enact some real educational reform, I do feel that other proposals would ensure a greater degree of accountability and results on the part of the DOE. For instance, making the Superintendent of Education a cabinet position on the Governor's cabinet or abolishing the BOE would be much more advantageous than keeping the BOE and making it all appointed."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I rise in support. I also would like to identify with the comments of Speaker Emeritus because he said it would be a good bill if we had smaller, accountable representative units. That's really pushing the ball down the court. This is a half a loaf. We can't get that. We've got to get accountability because we are in a crisis, and we've got no accountability.

"When you live in a round house, you can never get cornered and that's why we still have furloughs, Mr. Speaker. That's why our kids today are not in school, because we've got nobody accountable because everybody points around, and around, and around, and around, and around, and we're still going around. And if we *Sine Die* and the kids are still out of school, Mr. Speaker, we as policy makers that put our first priority on education, our biggest budget item, if we can't get our kids back into school by the end of this Session, shame on us."

Representative Carroll rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"In opposition of HB2376. The purpose of this bill would require that members of the Board of Education (BOE) be appointed by the Governor, with Senate approval.

"I oppose this bill because I am concerned about the Neighbor Islands not having true representation because through an appointment process, it becomes political with the Administration. Having elections ensures that the people of that respective district have an opportunity to meet their candidates and examine their views, opinions, and values. But a government-appointed BOE would not necessarily understand the diverse needs of the Neighbor Islands because it doesn't require the appointee to live in those districts.

"I humbly ask my colleagues to please vote no on this measure."

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

"Mr. Speaker, I'm strongly in favor of this measure as were three former Governors of this State, Ariyoshi, Waihee and Cayetano, who served a total of 25 years as Governors of this State. They know that the way it's set up now is unworkable and they are all advocating this change. It is imperative that we follow their advice. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2376, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, McKelvey and Souki voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 350-10) recommending that H.B. No. 2759, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2759, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to ask for a potential conflict ruling. I'm a homestead lessee," and the Chair ruled "no conflict."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 2759, which creates a gaming commission to regulate all gaming on Hawaiian home lands, imposes a wagering tax on gross receipts of casino gaming operations and provides for distribution to the general fund and the Hawaiian Home Lands Trust Fund.

"Why do we need legislation like this, which jumps the gun when we do not even know if our residents support gambling in the first place. The Department of Hawaiian Homelands itself opposes this legislation, claiming, "DHHL is concerned about the potential disadvantages associated with gaming: negative impacts to local businesses, difficulties with and cost of regulation, and social costs which may unintentionally cause a negative impact to our beneficiaries and to the State." Considering that Hawaiian Homelands is to receive 80% of gambling revenues, the opposition of this only major beneficiary should be enough in itself to kill the bill.

"Both in terms of budget balancing and human welfare, the costs of legalized gambling grossly outweigh any potential revenue. Legalized gambling will not attract new money into our State, either by causing visitors to spend more or by attracting new visitors: The savings tourists would have otherwise spent on retail items, dining, and services – which

simultaneously enrich their cultural experience and knowledge of the Islands, feed local business, and disseminate items which will popularize Hawaii vacations to others abroad – will simply be drained by the casinos. Moreover, a chaotic environment of legalized gambling will repel eco-tourists, families, and leisure-seeking professionals who now select Hawaii travel as a quiet escape from mainland bustle. The boisterous and criminally-inclined demographic which gambling may indeed lure, I am sure, will only repel our most loyal visitors, and in no way compensate for them.

"Hawaii residents, already struggling with bankruptcy, foreclosures, illiteracy, domestic abuse, and drug addictions, cannot afford casinos. Let us not repeat the mistake made by 19th Century planters who spread the rabid mongoose, decimating countless species of native birds and reptiles, in an effort to curtail the rat. Just as planters missed the rat in the end, so will legalized gambling miss our budget goals. Thank you."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Manahan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative M. Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote. And I note that Hawaiian Homes is against this. It needs to be vetted further. In particular at the national level also. Thank you."

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

Representative Carroll's written remarks are as follows:

"In support of HB2759, Relating to Gaming. The purpose of this measure is to authorize the Hawaiian Homes Commission (HHC) to allow gaming on Hawaiian Home Lands and to consult with the HHC Act beneficiaries and designate specific Hawaiian Home Lands parcels for the purposes of establishing casino gaming operations. The measure also creates the Hawaii Gaming Commission to regulate casino gaming operations; and imposes a wagering tax on gross receipts of casino gaming operations and provides for the distribution of 80% revenues to the Hawaiian Home Lands Trust and 20% to the State general fund.

"In January 2010, I was invited to visit the Tulalip Tribe in Washington State. My interest was to see what Federal Recognition has done for the Native Americans as it could do for native Hawaiians should the Akaka Bill see passage in Congress. During my visit at Tulalip, I discovered that although Federal Recognition has provided federal funding to the tribe, the Tulalip members debated and took steps to create gaming by building a facility to game Bingo. When their tribe was able to turn a profit, their revenues were used to build a casino. Immediately they saw results and raised enough money to build a resort connected to their casino. Today, their casino profits are over $30 to $50 million after operations per year. These revenues are allocated to the tribal fund, and in turn members of the tribe can request for funds through a transparent process for their educational, social, public safety, health, human services, judicial, housing, natural resources, economic development, cultural, tourism, water, renewable energy, broadband programs and infrastructure capital improvement projects. I've seen firsthand what gaming has done for their community. Furthermore, I admire their ability to empower their people by supporting their programs to fill their needs.

"What I experienced and saw firsthand inspired me to introduce legislation such as gaming on Hawaiian Home Lands and entertain a conversation about generating revenues for the Department of Hawaiian Home Lands Trust.

"During the early 1900's, concern about the plight of the Hawaiian people who had been displaced from rural to urban areas began to emerge as a result of the serious disruption in their traditional way of life. Out of concern for the declining numbers of full-blooded Hawaiians and the recognition that all previous systems of land distribution were ineffective, Congress entertained various homesteading proposals designed to rehabilitate the native Hawaiian people. Eventually, Congress enacted the Hawaiian Home Commission Act (HHCA), creating land trust from ceded crown and public lands that were intended to rehabilitate the native Hawaiian people by making them eligible to receive the benefits of homesteading through leased land and related programs from the Trust.

"Title to the Hawaiian Home Lands vested in the United States until the Territory of Hawaii became a State on August 1, 1959, at which time the newly formed State of Hawaii entered into a compact with the United States to assume the management and disposition of the Hawaiian Home Lands. Hawaii Admission Act of March 18, 1959 together with the Hawaiian Homes Commission Act imposed upon the State the duties and obligations of trustee to oversee the operations carried out under the authority of the Hawaiian Homes Commission Act. Despite the Hawaiian Homes Commission Act's admirable goals, controversy plagued the Trust from its inception in 1921 and continued after its transfer to the State in 1959. The problems were of such magnitude that, in 1983, a Federal-State Task Force on the Hawaiian Homes Commission Act was convened.

"The Task Force submitted a report to the State that identified several areas of concern and made recommendations for improvement. The areas included, (1) problems with the Hawaiian Homes Commission Act itself that affected the Trust as a whole, involving, (a) the lack of an inventory of the Hawaiian Home Lands, (b) the lack of useable lands, (c) the lack of proper funding sources, and (d) the improper use/sale/exchange of Hawaiian Home Lands by the State and federal governments; and (2) administrative problems affecting individual beneficiaries, such as (a)

delays related to the application and eligibility determination process, and (b) delays resulting from mismanagement of the long waiting lists. Commencing in 1988, the State began its efforts to resolve the issues relating to the Trust.

"In 1988, the Hawaii State Legislature attempted to address the criticisms of the Hawaiian Home Lands program and provide redress to its beneficiaries through the passage of "The Native Hawaiian Judicial Trusts Relief Act," 1988 Haw. L. Act 395, later codified as HRS Chapter 673 (Supp. 1988). Act 395 provided a limited waiver of sovereign immunity for beneficiaries of the trust to bring suits, prospectively, for money damages relating to breaches of the State Trust responsibilities occurring after July 1, 1988. In addition, section 5 of Act 395 provided an unfettered right to sue for actual damages for past breaches of trust between August 21, 1959 and June 30, 1988 and directed that all suits must be brought prior to June 30, 1993. However, the Act also provided an opportunity for the Governor to present a proposal for resolution of such claims to accommodate the Attorney General's concern about the impact of such claims on the State treasury. In the event that the Governor failed to present such a proposal to the 1991 Legislature or the proposal was rejected, the right to sue provision would remain.

"The 1991 Legislature passed Act 323, entitled "Individual Claims Resolution Under the Hawaiian Home Lands Trust Act," which incorporated the compromised amendments to H.B. 895. Although H.B. 895 had proposed amendments to HRS Chapter 673, Act 323 was later codified as HRS chapter 674 which establishes the panel and a claims review process.

"In Chapter 674, it authorizes the Panel to review and evaluate the merits of claims brought by individual beneficiaries, render findings, and recommend monetary damages and other relief. After reviewing an individual's claims, the Panel is then required to render an advisory opinion to the Legislature regarding the merits of each claim, including an "estimate of the probable compensation or any recommended corrective action for legislative action.

"In 1993, the Legislature passed Act 323 because of delays in creating the Panel and extended the filing deadlines in chapter 674 as follows: (1) an additional two years for filing claims with the Panel; and (2) an additional three years to file written notice with the Panel that the claimant does not accept legislative action; and (3) an additional three years for filing an action suit in Circuit Court. The deadline for the Panel's final report to the Legislature was extended to 1994 to 1997. In 1994, the Legislature considered and approved the Panel's recommendation to dismiss the claims of two individual beneficiaries.

"Due to uncertainties regarding land titles arising out of claims related to Trust lands and breaches of the Trust that affected the Trust as a whole, Act 14, which was based on the Governor's Action Plan and Section 5 of Act 395, was promulgated by the 1995 Legislature. Act 14 expressly stated its intent to settle all retroactive claims, but left intact the Chapter 674 claims. Act 14 created a Trust fund to settle all title-related Trust claims arising from the State's misuse of Trust lands and precluded all retroactive claims, including those governed by HRS chapter 674, from creating clouds on existing land titles. Act 14 states that its effect was *res judicata* as to all retroactive claims, except for those claims related to federal government reparations, as well as Chapter 673 and Chapter 674 claims. Act 14 seeks to cure fiduciary breaches affecting the Trust as a whole, whereas Chapter 674 is preserved as the remedy by which individual beneficiaries can pursue claims against the State defendants for person loses or harm suffered through breaches of the State's fiduciary obligations between 1959 and 1988.

"The Panel reported that it had received 4,327 claims brought by 2,752 claimants prior to the August 31, 1995 filing deadline. The Panel stated that, of the 4,327claims filed, 396 claims were closed and 3,931 had been accepted for investigation. The 1997 Panel Report also recommended damage awards for 162 claims, totaling approximately $6.7 million.

"For many years, the Hawaiian Homes Commission Act was underfunded and unable to place many people on the lands as it did not have sufficient funding for infrastructure. Land that could have been used for income-producing leases to pay for that infrastructure was improperly used, disposed of, or withdrawn from the trust by the Territory and the State. In recognition of this fact, and the hundreds of people thereby deprived of the opportunity for a leasehold, the Legislature passed Act 14, Special Session Laws of Hawai'i 1995. This Act committed $600 million to the Hawaiian Homes Act, $20 million per year for the next 30 years, to provide a "substantial, predictable funding mechanism" for the Commission.

"The panel's deadline was extended to 1999 but it was able to handle only a little over half of the claims in this time period. The Governor vetoed a bill to extend the life of the panel to finish addressing these claims. A group of claimants with unresolved claims filed a class action suit, Kalima vs. State of Hawaii, Department of Hawaiian Home Lands, asking for a right to present their cases directly to the court.

"First Circuit Judge Eden Hifo said in her decision in the 1999 Kalima vs. DHHL case that the plaintiffs provide by "clear and convincing evidence" breaches of trust that caused eligible Native Hawaiians to not be placed on the land – which itself is further breach of trust. Hifo said breaches of trust include not taking an inventory of lands, not maintaining proper financial records which among other things prevented DHHL from taking advantage of revenue bonds, and not acting to ensure the return of 29,000 acres of land, or "set asides" which had been removed from the Trust for government entities and private individuals, most before Statehood in 1959.

"I tell you all of this history because I am very concerned about the Department of Hawaiian Home Lands Trust. In our House Committee on Hawaiian Affairs and the House Committee on Judiciary, I asked the following questions regarding the waitlist, revenues vs. operating cost and their strategy to replace the $30 million dollars that is appropriated each year by the Legislature due to Act 14, $600 million dollar settlement which goes away in 2014. The Department of Hawaiian Home Lands stated that they have an estimated 25,000 plus on the waitlist with 100 to 200 qualified applicants place each month on the waitlist. They also reported that they generate an estimated revenue amount through their commercial leases, federal grants and other resources about $13 million dollars. Their current operations cost $22 million dollars per year. If you do the math, they are about $9 million dollars short to break even.

"Now, it was reported that with the $30 million appropriation each year, the Department of Hawaiian Home Lands are able to place from 500 to 1,000 beneficiaries onto their lands. However, I'm concerned about the triple rate that the waitlist has increased in the past five years which includes the $30 million per year appropriations. Now, when 2014 comes and the Department of Hawaiian Home Lands doesn't have other generating revenues to cover that loss, we will be back to where we began in 1959 and many beneficiaries will never see the opportunity to own their home on Hawaiian Home lands. Not to mention the possible lawsuits in the near future that could occur because the State may not be able to reach their obligation to the Trust. The settlements could be horrendous and possibly bankrupt the State.

"This is why as the Chair of the House Committee on Hawaiian Affairs Committee, I felt compelled to introduce this gaming bill to seek the consultation of our native Hawaiian beneficiaries and find solutions to generating revenues for the Trust so the Department of Hawaiian Home Lands can fulfill the Hawaiian Homes Commission Act.

"Yes, gaming is controversial and many may say that it will attract social ills. However, I believe that we already have social ills and the State is having a hard time provide the resources so these critical services can function at a level where needs are met. Through controlled and successful strategy to provide gaming as a form of entertainment where we can raise revenues, I believe that it is possible with the right leadership and plan.

"House Bill 2759 affords a conversation with the Hawaiian Home Lands Beneficiaries and its Hawaiian Homes Commission to determine if whether or not they want gaming and if so, they will have an opportunity to discuss the location of the casino resort. This bill will not force the Department of Hawaiian Home Lands to do gaming, but provide them

with a mechanism to decide whether or not they want this option. My intention is to take it to the people to decide its fate. For these reasons, I support this measure and ask my colleagues to support it as well.

"And if the fate of our native Hawaiian Home Lands beneficiaries is not to use this mechanism to do gaming, then what is the alternative? I am open to listening to solutions offered in place of gaming. I encourage everyone to start talking to each other and tell us legislators what are the alternatives to generating revenues so we can help with public policy that will support your ideas."

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

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations. The Department of Hawaiian Homelands has concerns surrounding this measure. As I understand it, DHHL's position is that they need to have time to inquire with lessees. They are not supporting this measure. At this point, I have grave concerns for the exact same reasons. Lessees and beneficiaries should be informed before decisions are made affecting their rights and privileges to this land.

"At the same time, I understand the intentions of the Representative from Hana who introduced this measure. She has worked closely with Native American tribes. I believe she is seeking similar benefits that tribes have from generating gaming revenue for native Hawaiians. She has seen successes in Arizona, Montana and Washington State. Her heart is in the right place, but perhaps the timing of this bill is somewhat putting the cart in front of the horse. My hope is that with increased dialogue from all concerned parties, a coming to terms on this measure may be reached. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2759, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GAMING," was referred to the Committee on Finance, with Representatives Aquino, Belatti, Berg, Ching, Finnegan, C. Lee, Manahan, Marumoto, Morita, Nishimoto, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 351-10) recommending that H.B. No. 2829, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2829, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 352-10) recommending that H.B. No. 1983, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1983, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

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

Representative Keith-Agaran rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

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

"Thank you. With serious reservations, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1983, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Keith-Agaran voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 353-10) recommending that H.B. No. 2023, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2023, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 354-10) recommending that H.B. No. 2549, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2549, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 355-10) recommending that H.B. No. 2657, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2657, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 356-10) recommending that H.B. No. 2805, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2805, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you. On Stand. Com. Rep. No. 356, briefly, I am in strong support. Thank you."

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

"Mr. Speaker, I'm standing in strong support on the same measure and will submit written comments. This is to assist the Civil Air Patrol. Thank you."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2805. Appropriating funds to the Civil Air Patrol would increase Hawaii's readiness in the face of the real and disastrous threat of a tsunami.

"Because of our location in the Pacific, Hawaii is vulnerable to hurricanes, volcanic eruptions, and earthquakes, which can all result in a devastating tsunami. The Civil Air Patrol volunteers are dedicated to providing Hawaii with a warning system to ensure the safety of our residents and tourists. Their unpaid service was proven valuable in 2006, when the islands of Hawaii, Maui and Oahu were rocked by an earthquake that measured a 6.7 on the Richter scale, leaving people in fear of their safety during a statewide blackout with little communication. The Civil Air Patrol volunteers sprung into action providing interisland communication that was an important part of the response effort to one of the largest natural disasters in Hawaii during this decade.

"For over 50 years the Civil Air Patrol volunteers have dedicated their time and resources to defending our security. Investing funds in this organization is really investing in the safety of our loved ones, our neighbors, our State, our *ohana*. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2805, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 357-10) recommending that H.B. No. 2204, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2204, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 358-10) recommending that H.B. No. 2541, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2541, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 359-10) recommending that H.B. No. 2937, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 360-10) recommending that H.B. No. 2603, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2603, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 361-10) recommending that H.B. No. 2899, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 362-10) recommending that H.B. No. 2630, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 363-10) recommending that H.B. No. 2217, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2217, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 364-10) recommending that H.B. No. 2831, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 365-10)

recommending that H.B. No. 2273, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2273, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. Thank you. May I have a ruling on a potential conflict? I'm a veteran," and the Chair ruled, "no conflict."

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to specify the conditions under which veterans qualify for a civil service hiring preference.

"Most National Guardsmen and Reservists did not serve on active duty for periods long enough to qualify for the Veteran's Hiring Preference. This has changed dramatically. Many of these enlistees have had years of service, usually on active duty, now are veterans in every sense of the word and deserving full consideration for hiring.

"Being a veteran means that an individual will bring discipline, formal training and leadership experience to the work place. It is important that the State and local governments have an opportunity to efficiently hire these personnel and gain the benefits of a skilled veteran.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 366-10) recommending that H.B. No. 2779, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2779, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2779, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LEASES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 367-10) recommending that H.B. No. 2290, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2290, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I speak in support of HB2290. This bill supports the operations of the Department of Agriculture (DOA) and helps mitigate the negative effects by its recently completed reduction in force. Among other things, the bill would allow DOA to enter into agreements with government and private agencies to hire and pay temporary inspectors to perform certification and audit services. In addition it would establish new or increase certain existing fees to cover the operation and maintenance costs of agriculture inspection and certification programs via a two-tiered increase.

"Hawaii has been severely impacted by the decrease in services by plant and commodity inspectors. Although many of these tasks involved fees, there was also subsidization of associated costs from the general fund. Industry stakeholders recognize the dire state of the State budget, and testified to their willingness to evolve to a true fee for services structure to ensure the necessary certifications and inspections for their crops. This bill provides the means to move in this direction.

"Furthermore, papaya growers in my district testified that the IPP certificates produced by the DOA inspectors are crucial to reduce delays of present papaya shipments. In Hilo, DOA laid off two (2) full time ACMS, leaving only one part time ACMS. There is no alternate coverage if this person is sick or on vacation. The industry requires an ACMS to issue IPP Certificates on all shipments to Japan; HB2290 could help remedy this situation and prevent any interruption in exporting papayas to that country.

"The ability to move products in and out of the State, as well as interisland is critical to the vitality of the State's agriculture industry and its overall economy. HB2290 is a vehicle for DOA to provide its necessary services that are required in that regard and I am in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 368-10) recommending that H.B. No. 2293, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2293, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

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

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 369-10) recommending that H.B. No. 2729, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2729, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 370-10) recommending that H.B. No. 2775, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2775, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 371-10) recommending that H.B. No. 2948, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2948, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Tsuji and Ito, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 372-10) recommending that H.B. No. 2409, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2409, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, with reservations on this please. And just a 'heads up' to the Finance Committee. Mr. Speaker, there's a right of first refusal in this bill, which means to the realtors such as Speaker Emeritus, they will know that that lowers the value of the lease. So that would mean less money coming into this State for leasing that property. I think I would ask the Finance Committee members to look at that because it means less money into our State coffers for leases in the future. Thank you."

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of HB2409. This bill encourages commercial aquaculture ventures in the State by providing favorable lease terms for public lands.

"Although the State Department of Land and Natural Resources opposed the measure, it is important to note that recent cuts to the Department of Agriculture resulted in significant reductions to its Aquaculture Division. This bill would assist new enterprises by providing reasonable leases, thus making major investments more plausible and attainable.

"Aquaculture is a nascent business in Hawaii. Entities already vested in the industry stressed how this bill would be of benefit and would help them survive. This measure should go forward to House Finance as they could best determine the possible fiscal impacts - both negative and positive - in this economy. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am with reservations. During the hearing it wasn't clear by those testifying that this would have positive or negative implications with those wanting to regenerate the fish ponds as an option for aquaculture. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 373-10) recommending that H.B. No. 1818, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 374-10) recommending that H.B. No. 1778, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1778, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you. I rise in strong support for Stand. Com. Rep. No. 374-10. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WALKING TRAILS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 375-10) recommending that H.B. No. 1796, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1796, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"In strong support and I'd like to submit comments."

Representative Carroll's written remarks are as follows:

"In support of HB1796. This bill would place the Office of Hawaiian Affairs (OHA) in charge of establishing a Kupuna Honorary Degree

program that would give qualified *kupuna* the Pohaku Award, the Hawai`i equivalent of the Nobel Peace Prize. I firmly believe that our elders should be honored for their continued contributions to the community, whether social or cultural. However, I also recognize that the recession has impacted everyone and that OHA should be allowed flexibility in terms of the creation and implementation of this program. This being said, we should still support this endeavor and see this Honorary Kupuna degree program through. This is why I introduced the bill and urge my colleagues to support it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA HONORARY DEGREE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 376-10) recommending that H.B. No. 2480, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2480, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PLACES," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 377-10) recommending that H.B. No. 1926, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 378-10) recommending that H.B. No. 2441, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2441, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 379-10) recommending that H.B. No. 2901, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 380-10) recommending that H.B. No. 2984, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 381-10) recommending that H.B. No. 2318, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2318, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I raise the same potential conflict. I work at homeless shelter," and the Chair ruled, "no conflict."

Representative Pine continued and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Just reservations for now, please."

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you. I would like a no vote on Stand. Com. Rep. No. 381-10 for the reasons stated by the Representatives from Central Maui and Punchbowl when they were speaking on the previous bill relating to the homeless. Thank you."

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

Representative Keith-Agaran rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Luke rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose stating:

"Mr. Speaker, may I change my vote from aye with reservations to a no vote. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Berg, Finnegan, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Pine and Thielen voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 382-10) recommending that H.B. No. 2784, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2784, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, in support. In strong support, but with a request to the Finance Committee. Please raise the threshold to $5,000. This would keep people with small actions able to go into Small Claims Court and represent themselves without having to go through the trouble. They couldn't even find an attorney, I don't think, to take a case with a claim that is only $5,000. So I think it's more legitimate and it's a better use of our judicial resources. Thank you."

Representative Mizuno rose in support of the measure and asked that the remarks of Representative Thielen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 383-10) recommending that H.B. No. 2144, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2144, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations of H.B. 2144, Relating to Legislative Caucuses. This measure statutorily establishes the Joint Legislative Keiki Caucus and Joint Legislative Kupuna Caucus.

"I am in full support of the Keiki and Kupuna Caucuses—which is why I choose to be a member of these caucuses—however, the question must be asked: Should we then not establish all of our existing Legislative Caucuses in statute? The idea of democracy is to foster ideas from all people; it's a government of ideas for the people by the people. The Keiki Caucus and the Kupuna Caucus generate brilliant ideas from segments of the population focused on their specific missions, but let us not forget all of the other legislative Caucuses and ideas that exist and incorporate the diverse ideas that shine in the Hawaii State Legislature. Thank you."

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

"Thank you, Mr. Speaker. On the same measure, I'd like to rise and speak in support with some reservations. Thank you. This is the bill to create in statute the legislative Keiki Caucus and the legislative Kupuna Caucus. Mr. Speaker, as you are aware, I've served for many years as the Co-Chair of the Keiki Caucus. In fact, ten of my first years I was Co-Chair, so with no disrespect for the Chairman and the members of the Keiki Caucus and the Kupuna Caucus, but my point here is that I think we set precedence. I don't know if it's dangerous, or if it's bad, or whatever, but I think we have to understand that we're setting some precedence here. We have a number of different caucuses in this House, as well as the other Chamber. We have a number of other initiatives generated and I do believe that they are very legitimate and important today.

"What this bill does it forevermore puts into statute the Keiki Caucus and the Kupuna Caucus. I do believe that we should let other Legislatures after us choose whether or not these issues are still important. And it's not to say that I don't support again the Keiki Caucus or Kupuna Caucus. I just don't think that it's appropriate from my perspective to put this into law. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I rise with serious reservations because this is the second time I'm standing up, questioning this bill. The first time, I was accused of being against the Keiki Caucus. I am a member of the Keiki Caucus, and a member of the Small Business Caucus, the Veteran's Caucus, etc., etc.

"The question is, and why I spoke the first time was, let's see what Legislative Management does. The reason why I was standing up and you mistook me for speaking on the last bill is, I was trying to make sure that I saw the Committee Report to see if they discussed that, and what would happen to the rest of us. Do we become illegitimate, outmoded, or out of statute, or therefore out of touch with the rest of what otherwise the Keiki Caucus is doing?

"So I think the issue needs to be raised and I'm not sure the Finance Committee is going to be the final arbiter of this cause. It should have been Legislative Management, but we should have a decision as to what are we going to do with caucuses other than just this one that gets to be codified. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I will vote no. I definitely think that what we need to do is just set some kind of rule as to how we do this. There are some very important caucuses, so we should all know how to move forward. Thank you."

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

"Mr. Speaker, I just rise with reservations. I just don't see the Filipino Caucus in there so I am with reservations."

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

"Thank you, Mr. Speaker. I rise with reservations and may I have the words of the two previous speakers before me entered in the Journal as if they were my own? I just also have some constitutional concerns that we might be binding future Legislatures," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE CAUCUSES," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 384-10) recommending that H.B. No. 2447, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2447, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Lately, there have been assertions made regarding the DBEDT and its Director that may be vindictive in nature. That being what it may, the reality is the out-of-state offices in Asia would be so adversely impacted that regardless of the outcome/verdict of any audit, be it with or without merit, the offices would be permanently damaged; as well as its reputation and its ability to serve its function. We should be sensitive to those specific environments. There must be a better way to achieve the purpose of the audit. In these formidable economic times the State Legislature must support DBEDT and not try to entangle one of our State's most important economic tools. Thank you."

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

"Thank you, Mr. Speaker. I know everybody's getting hungry and wants to go home, but on this issue here, I would like to vote with strong reservations on Stand. Com. Rep. No. 384-10, Relating to Out-Of-State Offices audit. The bill calls for an audit every two years. Management audits are very comprehensive audits, very expensive. There are many audits that we need to make and many management audits we need to make. I think every two years for a management audit is too often and too expensive, and really not needed. I hope the Finance Committee will consider that as they move along. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I will vote no on this measure for the reasons stated by the speaker from Wailuku."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote for the same reasons as stated by Speaker Emeritus."

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

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote for the reasons I stated the first time this came to the Floor. The breadbasket of tourism is waiting in China, and this is going to put it under the microscope. But those who want to seek revenge, let them wait for another few months and that particular individual who heads that particular department will no longer be there. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2447, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," was referred to the Committee on Finance, with Representatives Finnegan, Marumoto, Thielen and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 385-10) recommending that H.B. No. 2276, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 386-10) recommending that H.B. No. 2902, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2902, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 387-10) recommending that H.B. No. 2983, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 388-10) recommending that H.B. No. 2061, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 389-10) recommending that H.B. No. 2408, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2408, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict on Stand. Com. Rep. No. 389. Television and the film industry is part of my career," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and report of the Committees was adopted and H.B. No. 2408, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand.

Com. Rep. No. 390-10) recommending that H.B. No. 2681, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2681, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

Representative Tokioka's written remarks are as follows:

"Mr. Speaker in strong support. As we heard this bill in the Committee on Tourism, Culture, and International Affairs, the testimony was overwhelmingly in support of this measure. We can look back at the last economic downturn in the early '90s and how the hotel construction tax credits helped areas in Waikiki, especially the Lewers St. corridor.

"I was on Kauai this week at an event and executives from the Kauai Marriott had mentioned to me, looking at the first draft of the bill, that it would most certainly give them the incentive to restart the project they had halted due to the economic slowdown. Prior to shutting down the project, 70 construction employees were working on that site and I know this is the exact type of outcome that we want from a tax credit bill like this.

"Thank you Mr. Speaker, for allowing me to submit written comments in strong support."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2681, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg and Choy voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Manahan and Hanohano, for the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 391-10) recommending that H.B. No. 2778, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 392-10) recommending that H.B. No. 2790, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.B. No. 2778, HD 1, and H.B. No. 2790, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. With reservations on both of these so-called fireworks bills. We need a statewide ban. And if I might say, I was very disappointed to see the Humane Society in the Gallery today; they have been conspicuously absent from the debate, as well the Health Department, the OEQC, and the Hawaii Medical Association. It's really pretty shameful. This is definitely a health issue. Children have been hurt. Adults have been hurt. Animals have been hurt. We need to do something about it. Thank you."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative M. Lee be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.B. No. 2778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused; and

H.B. No. 2790, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 393-10) recommending that H.B. No. 2294, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2294, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 394-10) recommending that H.B. No. 2558, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2558, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Choy rose to speak in opposition to the measure, stating:

"Mr. Speaker. Please record a no vote for me. This is a job creation bill that's proposed by the Governor. It totally doesn't make any sense at all."

Representative Wooley rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JOB CREATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Choy and Wooley voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives McKelvey and Herkes, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 395-10) recommending that H.B. No. 2698, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

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

2698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 396-10) recommending that H.B. No. 387, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 387, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 397-10) recommending that H.B. No. 2266, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2266, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 398-10) recommending that H.B. No. 2718, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2718, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Judiciary, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representatives Hanohano and Yamane, for the Committee on Public Safety and the Committee on Health presented a report (Stand. Com. Rep. No. 399-10) recommending that H.B. No. 1930, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1930, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Keith-Agaran rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

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

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

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

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

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

"Thank you, Mr. Speaker, in support of Stand. Com. No. 399. I appreciate the amendments from the Public Safety Chair, as well as the Health Chair. They actually added an additional layer of protection in this measure for convicted felons. They will not be allowed to get medical cannabis. So this was actually an added protection because of the amendment that was placed by the Chairs. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Strong reservations."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 400-10) recommending that H.B. No. 2280, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2280, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"The same conflict as I mentioned earlier. I work at a homeless shelter," and the Chair ruled, "no conflict."

Representative Pine continued and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Keith-Agaran rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Thank you Mr. Speaker, in support. Thank you. This is a similar bill to that which we had last year. And while I know it sounds a little, possibly impractical, there are many people who come to Hawaii who may not be aware of the high cost of living or the difficult economic situation. Some of them come over as a spouse, or a boyfriend or girlfriend, and then they break up and it was the other partner who provided the financial assistance. They then become homeless and they have no way to get back home. I know many people, again, feel that sounds draconian, but it's a way to provide some people who may want to go back home the means to return home where they have family and other support structures. So hopefully I ask my colleagues to keep the discussion going. Thank you."

Representative Yamane rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm standing in opposition with some comments. I have the highest esteem for the Representative from Kaneohe-Kailua. There are programs right now that are available for the homeless who seek those desires. If people do need help, there are programs out there right now. Any individual can seek those social workers and various health care professionals willing to work tirelessly to get them to where they need to be. I think, and again I spoke on this matter before, that if you have a program that automatically provides people with a plane ticket home, people will go to the program of least resistance. Thank you."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Reservations for me, Mr. Speaker, for now. Again, I think the unintended consequences of raising the Conveyance Tax will also lead the counties in this case, if they have to do matching funds, it will lead to an increase in property taxes as well. Thank you."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Luke rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote. Just really briefly, regarding the homeless problem. We have to take responsibility for it, and I object to the part that we are going to force the counties to provide matching funds. Thank you."

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

"Mr. Speaker, with reservations. The aspect that I'm concerned about is if we get in a sort of war of dumping our homeless with other states, if we get into a war like that with California, we're going to swamped with homeless and they're going to hardly notice that we send anybody to them at all. So that's my concern. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2280, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Berg, Ching, Finnegan, Keith-Agaran, C. Lee, Luke, Marumoto, McKelvey, Nishimoto, Thielen, Ward and Yamane voting no, and with Representatives Bertram, Cabanilla and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 401-10) recommending that H.B. No. 1942, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1942, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am in strong support and will submit written comments."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to establish a temporary Hawaii Veterans Court within the Judiciary to help address prison overcrowding.

"Veterans Court is uniquely positioned to identify veterans who have combat related mental health and substance abuse conditions. The court is designed to connect these veterans to a broad array of treatment and support services while strictly monitoring their rehabilitation progress. Upon completion, the graduate will develop into a law abiding citizen.

"Physical injuries are easy to identify and treat, but the injuries of war are not always physical or visible because exposure to combat can often cause damage to the emotional and mental state of returning service members.

"I have witnessed first-hand the devastation to our soldiers and their families when they turn to drugs or abuse various substances. In many instances, their substance abuse is compounded by combat stress related conditions like Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, etc. Lives that have honorably served our country during the war disintegrate and are shattered when they return home and are not helped. We owe our soldiers better.

"Hawaii's Judiciary has achieved significant success in problem solving and treatment courts that rehabilitate offenders, reduce incarceration costs, and ensure public safety. The Hawaii Veterans Court will be the only Veterans Court in the nation to expand and enhance services to target National Guard and Reserve soldiers. With the Iraq and Afghanistan wars, 30 percent of the troops are National Guard and Reserve soldiers. Once these soldiers return, their experience with reintegration into civilian life is vastly different than active duty soldiers and warrants tailored solutions.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS COURT," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 402-10) recommending that H.B. No. 2752, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2752, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 403-10) recommending that H.B. No. 2377, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2377, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am in opposition. Thank you, Mr. Speaker. I'll try to keep this really short. This bill is the bill that accompanies the constitutional amendment for the Board of Education being appointed. It has always been my preference to have this directly under the Governor; an appointed Superintendent without a Board. The reason why I would like to see this and am in favor of this is because of the accountability issue that we were talking about. This sets up a council that is to recommend people to be Board members who would then be selected by the Governor. The council will be appointed by the Governor, the Senate, the House of

Representatives, the Parent Teacher Student's Association, HSTA, Hawaii State Student Council, and the Hawaii Business Roundtable.

"Mr. Speaker, I think we're all talking about the accountability issue. How do you have accountability when you have another council? I know it's modeled after some other things, but truly this is about trying to get the control to the school level so they can create their priorities, and then fund them so that they can make the decisions. This sets up another system for pointing the finger at someone else throughout the process. I just really, really don't like this idea. I'd rather have the idea that we empower people at the school level because in the end, those are the people who will make the hard choices, and will be able to convince the others at the school level what's important to them. Especially for teachers and especially for principals who have to live with these decisions.

"Mr. Speaker, we had a bill that came on the Floor the other day and it was because the Board of Education could not make a decision. They had to bring it to the House of Representatives. It was about restricting ice cream and candy. That should show us, Mr. Speaker, that we've got to give this control to the school level, and then if something goes wrong, we have one main person or the Governor to hold accountable. The Governor can easily say, 'Well this council didn't give me people that I wanted.' Mr. Speaker, I feel for these teachers and these students and these principals. Can we please, please give them direct responsibility and accountability for our school system. Thank you."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I wish to vote no on this measure and I would like to incorporate the same speech I made for the constitutional amendment with this particular measure. But I also wanted to add that this rush to change I think, is very ill-timed. I think it's too rapid. If there's any weakness in the Board, and there certainly is some right now, I think we can share in the weakness. Years ago, we gave the Board policy-making powers through a constitutional amendment, however we continue to make policy for them and eventually they have become so accustomed to us making policy for them, that they don't make any themselves.

"So I think as we begin to fault the Board, I think we need to take a good look in the mirror ourselves, and think about how we got so involved in the policy-making of the Board of Education. Our role was not to make policy, and it is not to make policy. But I think that even if you put all the change in the system right here, it'll still be the same. This Body will continue to make policy and you will still have the same problem. The only way you can have an accountable Board of Education system is to make them elected, provide them eventually with some taxing powers where they could be accountable, fully accountable, to the public. Otherwise, you'll continue to have the same problem. Believe me. Thank you."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

"Mr. Speaker, thank you. I rise in support and to reassure my colleagues that this is a work in progress. Since it left the Judiciary Committee we still continue to work on it. I think actually the concerns of all of our Representatives will be addressed as the draft comes out of Finance, and even then there's still a long way to go on this. I think you'll be happy with the resonance of your concerns."

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

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you, Mr. Speaker. I mentioned some of my concerns in the constitutional amendment bill, but I'm even more convinced now that the earlier bill actually needs to be changed because this bill has the language for the student member on the top of page 2.

"So here's my concern, and I raised it earlier and I thought we were going to fix it. I do understand that this is a work in progress, and I do support an appointed Board. In fact I've supported that for quite awhile. Quite a while. And I do believe that we have vetted this issue for decades now. I think the Members of our Body understand that the last time this went before the public was in 1994, and since then we have numerous Committee hearings and even Floor discussions regarding an appointed Board of Education.

"However, Mr. Speaker, I don't think this proposal in front of us comes even close to what we have done with the Board of Regents at the University of Hawaii. Just one point, and one very important point is that there is no residency requirements for any member of this proposed appointed Board. Now one may argue that the Selection Commission will, in their wisdom, choose the right people. And maybe two of them will be from the Big Island, and two from Maui, and one from Kauai and four from Oahu, but my fear is this. Maybe they will choose all 9 of them from Oahu. I just don't want to be part of this Body in passing this measure when that happens because I do not believe that is our intent. I do believe that the intentions of this Body and of the people that support an appointed Board is actually to make sure that representation is not equal, but fair throughout the entire State. I do hope that as the Finance Committee takes a look at this, and the Senate takes a look at this, that we will once and for all resolve this concern. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2377, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Finnegan, McKelvey and Souki voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 404-10) recommending that H.B. No. 2003, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2003, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I also rise with a no vote with good intentions in this bill for campaign finance reform, but there's three poison pills in there. One is to increase mainland contributions to 30%. The other is to remove language specifying the conditions under which contributions from State and county contractors are prohibited. And third, removing language limiting contributions to non-candidate committees. For those three reasons, this is even worse than the bill we had the other day that didn't even get a hearing on the Floor. Thank you."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote and just short comments. Thank you, Mr. Speaker. On Stand. Com. Rep. No. 404, this bill is supposed to be a recodification and Campaign Spending that has been coming back, year after year, wanting to make sure that we have this recodification because they feel that it's important. They had a committee that helped get the language in there that said it wasn't going to be substantive. We keep on mixing up the substantive into a recodification bill, which in turn harms. It's like using this tool to try and pass something that nobody wants.

"Mr. Speaker, let's not do that any further. Let's keep House Bill 2003 as a recodification to help Campaign Spending clarify and make those amendments, and if you want to be and do what you want to do for relaxing campaign spending reform and you want to do it in 204, then it will be a clearer vote for the people of Hawaii on where you stand. Thank you."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Finnegan, Pine, Rhoads, Saiki and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 405-10) recommending that H.B. No. 2004, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2004, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2004, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Ching, Finnegan, Pine, Rhoads, Saiki and Ward voting no, and with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 406-10) recommending that H.B. No. 415, as amended in HD 1, be recommitted to the Committee on Public Safety.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 415, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was recommitted to the Committee on Public Safety, with Representatives Bertram, Cabanilla and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 407-10) recommending that H.B. No. 2427, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Cabanilla and Takumi being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 40) and concurrent resolutions (H.C.R. Nos. 84 through 89) were referred to Printing and further action was deferred:

H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, McKelvey, Berg, Carroll, Magaoay, Marumoto, Nakashima, B. Oshiro and Takumi.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES WITH THE ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE THE BOATYARD ADJACENT TO THE STATE PIER AND TO ADDRESS PERMITTING AND USE CONFLICTS, AT HANALEI, KAUAI," was offered by Representative Sagum, by request.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE FEASIBILITY OF ESTABLISHING AN AMBULANCE DISPATCH CENTER ON THE WEST SIDE OF KAUAI, BASED IN KALAHEO," was jointly offered by Representatives Sagum, Morita and Tokioka.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUA'I TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," was jointly offered by Representatives Sagum, Carroll, Chang, Hanohano, Morita, Karamatsu and Tokioka.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE WEEK THAT INCLUDES AUGUST 24TH AS SURF WEEK IN HAWAII," was jointly offered by Representatives Sagum, Awana, Carroll, Chang, Hanohano, Ito, Mizuno, Morita, M. Oshiro, Shimabukuro and Tokioka.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was jointly offered by Representatives Sagum, Awana, Chang, Mizuno, Shimabukuro, Tsuji, Chong, Ito, Karamatsu and Magaoay.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, McKelvey, Berg, Carroll, Magaoay, Marumoto, Nakashima, B. Oshiro and Takumi.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. First, I guess I'll announce that it's the birthday of our 16th President today, Abraham Lincoln, who would have been 201 today, his bicentennial being last year. You know he was a great man as we all know, but I don't know how many people know that he was a poet and an inventor, as well as someone who's considered one of the greatest Presidents in our history. He was the founder of the Republican Party who stood by the idea that you cannot tear down people of merit if you want everyone to rise.

"Secondly, I do want to talk about what you have on your desk today. I had the great pleasure and the privilege to go to the Haleiwa Chocolate Festival held a few weeks ago, and I might add that it was sold out. It was completely sold out within hours. It was sold out for many of the vendors and it seems to be a trend that chocolate is selling out almost everywhere. And if you go on the website which is coming out, you will know that February is the chocolate month of consumption. You'll find out that all over the world and preferred destinations in some cases, chocolate festivals have over 700,000 attendees.

"But right here you have locally born and raised here, our little Waialua Chocolate. There's a picture of a little pod there. Rooted here in the soil of Hawaii, baked in the sun, but sold to San Francisco to become refined or whatever, and then brought back to be enjoyed by us all. So that is locally grown chocolate and I hope that you will take a look at it and you enjoy it. I'm sorry I couldn't give you more, but it's really expensive this year. It's the rarest chocolate in the world. I usually give you a bunch, but it's budget cuts, right? Anyway, Happy Valentine's Day."

Representative Ward: "Mr. Speaker, February 12 is Independence Day for Chile. They will be coming here for APEC. They're a member of APEC with the US and in November, 2011, they shall arrive. They were independent from Spain in 1818. They don't export chocolate, but the 6th largest of wine in the world, and some of us buy and eat grapes, and we get a lot of Chilean grapes during the offseason. Thank you."

Speaker Say: "Representative Takai, I've talked to the Clerk about it. We'll do it later.

"The Chair would like to apologize, for the discussion with one of our Members."

At 1:28 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:29 o'clock p.m.

ADJOURNMENT

At 1:30 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Tuesday, February 16, 2010. (Representatives Bertram, Cabanilla, Chang, Herkes, Ito, Manahan, Morita, Nishimoto, Souki, Takumi and Yamane were excused.)

EIGHTEENTH DAY

Tuesday, February 16, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Deacon Santi Gorospe of the Holy Trinity Church, after which the Roll was called showing all Members present with the exception of Representatives Belatti, Carroll, Choy and Evans, who were excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 29) was received and announced by the Clerk:

Sen. Com. No. 29, transmitting S.B. No. 2076, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on February 12, 2010.

On motion by Representative Magaoay, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Belatti, Carroll, Choy and Evans were excused.)

S.B. No. 2076

INTRODUCTIONS

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

Representative McKelvey introduced Mrs. Virginia Gorospe, wife of Deacon Santi Gorospe who gave today's invocation.

Representative McKelvey also introduced staff members of the Maui Economic Opportunity, Inc.

Representative Pine introduced Mr. Harold Alejandro, US Air Force veteran; Mr. Nestor Batac, US Army veteran; Mr. Noni Panen, former president of BICOL Club of Hawaii; Mr. Ron Schaedel, US Marine Corps veteran; Mr. Glenn Kodani, US Air Force veteran; and Mr. Ron Sumida, who were in support of H.B. No. 2311, the American Flagpole bill.

Representative Takumi, on behalf of Representative Takai and himself, introduced 5th graders from Pearl City Elementary School, who were accompanied by teachers: Ms. Sherri Takamoto, Ms. Karen Nonakawa, and Ms. Fran Tabisola; Special Education teacher Mr. James Passi; and part-time teacher Ms. Charlyn Tahara.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 42) was announced by the Clerk and the following action taken:

H.R. No. 42, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING THE STORYBOOK THEATRE OF HAWAII UPON THE OPENING OF THE SPARK M. MATSUNAGA INTERNATIONAL CHILDREN'S GARDEN FOR PEACE," was offered by Representative Sagum.

Representative Sagum moved that H.R. No. 42 be adopted, seconded by Representative Morita.

Representative Sagum congratulated the Storybook Theatre of Hawaii upon the opening of The Spark M. Matsunaga International Children's Garden for Peace, and introduced the honorees seated on the Floor of the House:

Mr. Mark Jeffers, Executive Director and Founder of the Storybook Theatre of Hawaii;

Mr. Matt Matsunaga, son of the late Senator Spark M. Matsunaga;

Mr. David Hamil, Storybook Development Director;

Mr. Kim Duffet, The Children's Peace Garden Designer and Sparky Statue Sculptor; and

Dr. Robert Zelovsky, Storybook camera man, who was seated in the Gallery.

Representative Morita welcomed and thanked the Storybook Theatre of Hawaii for continuing the legacy of Spark M. Matsunaga and his vision of peace, and providing an opportunity for children to learn the performing and media arts.

Representative Tokioka also thanked and commended the Storybook Theatre and Mr. Kim Duffet on the creation of the Sparky Statue.

Representative Ward further congratulated the Storybook Theatre on the opening of the Garden of Peace, and thanked them for keeping the memory of Spark M. Matsunaga alive.

Representative Karamatsu commended the Storybook Theatre and thanked them for promoting the legacy of Spark M. Matsunaga and his vision of Peace.

Representative Berg thanked the Storybook Theatre for their contributions to the community, working with the *kupuna* and preserving our stories and culture.

The motion was put to vote by the Chair and carried, and H.R. No. 42 was adopted, with Representatives Belatti, Carroll, Choy and Evans being excused.

The following resolution (H.R. No. 43) was announced by the Clerk and the following action taken:

H.R. No. 43, entitled: "HOUSE RESOLUTION RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC., ON ITS 45TH ANNIVERSARY," was jointly offered by Representatives Souki, Bertram, Carroll, Keith-Agaran, McKelvey and Yamashita.

Representative Souki moved that H.R. No. 43 be adopted, seconded by Representative Yamashita.

Representative Souki congratulated the Maui Economic Opportunity, Inc., on its 45th anniversary, thanked them for their many community and anti-poverty programs, and introduced the honorees seated on the Floor of the House:

Mr. Sandy Baz, Chief Executive Officer, Maui Economic Opportunity, Inc.;

Ms. Lyn McNeff, Chief Programs Officer, Maui Economic Opportunity, Inc.;

Mr. Grant Chun, Board President, Maui Economic Opportunity, Inc.; and

Mrs. May Fujiwara, President, Lahaina-Honolua Seniors.

Representative McKelvey further recognized Maui Economic Opportunity for their support in the community, especially transportation services and the 'pink bus' for the seniors.

Representative Bertram thanked the Maui Economic Opportunity for their self-help programs and acknowledged their role in developing community leaders.

The motion was put to vote by the Chair and carried, and H.R. No. 43 was adopted, with Representatives Belatti, Carroll, Choy, Evans and Pine being excused.

At 12:38 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 408-10) recommending that H.B. No. 2136, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2136, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Magaoay.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 409-10) recommending that H.B. No. 2286, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2286, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Magaoay.

SUSPENSION OF RULES

On motion by Representative Magaoay, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Belatti, Bertram, Carroll, Choy and Evans were excused.)

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 410-10) recommending that H.B. No. 2197, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2197, HD 1, pass Third Reading, seconded by Representative Magaoay.

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

"I would like to have a ruling on a possible conflict of interest. I serve on a condominium board," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2197, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 411-10) recommending that H.B. No. 2351, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2351, pass Third Reading, seconded by Representative Magaoay.

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

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. With active members of our armed forces and veterans as constituents of District 37, I rise in strong support of this measure. House Bill 2351 corrects an oversight so that individuals who receive a less than honorable discharge or a general discharge under honorable conditions are not able to receive veterans' license plates.

"A veteran's license plate is a government approved public declaration of service that is innately associated with honor. Allowing someone who committed detainable acts, such as murder, sabotage, or espionage, which resulted in a dishonorable discharge to obtain a veteran's license plate is a pretense of valor. H.B. 2351 would correct this oversight that enables undeserving people to apply for a license plate and preserve the integrity of the special license plates.

"The Office of Veterans Services and the Oahu Veterans Council have both testified in support on this bill."

Representative McKelvey rose in support of the measure, stating:

"Mr. Speaker, I am in strong support."

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to preserve the integrity of the special license plates available to veterans of military service.

"Veteran license plates identify individuals who have provided military service to this country and are a small symbol of the gratitude of the general public for their honorable service. Individuals with a less than honorable discharge should not be afforded this recognition, a recognition they can receive under current statutes.

"This measure addresses this issue by requiring veterans to provide proof of their honorable discharge to obtain a veteran license plate. It is only right that a veteran should submit his application for a special license plate with proof of being honorably discharged from the United States Military. An individual with less than honorable discharge has no right to the benefits afforded those who serve honorably.

"For these reasons I support this measure and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2351, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At 12:49 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2197, HD 1
H.B. No. 2351

At 12:49 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

At this time, the Chair stated:

"Members of the House, may we go back to Reports of Standing Committees. The motion was made by Representative Blake Oshiro and second by Representative Magaoay for those measures reported out of the Consumer Protection & Commerce Committee, Stand. Com. Rep. Nos. 408 and 409.

"The Chief Clerk says that we did not take a vote on the motion. Is there any discussion on the motion made by Representative Blake Oshiro, seconded by Representative Magaoay, in regards to those two measures? If there is no discussion, then it's a voice vote."

Stand. Com. No. 408-10 and H.B. No. 2136:

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2136, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

Stand. Com. No. 409-10 and H.B. No. 2286:

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At this time, the Chair stated:

"We have voted on consent calendar motion, Madam Clerk. Or do we need to do it once more?"

At 12:51 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

At this time, the Chair stated:

"Members, just to clarify everything. The consent calendar motion to suspend the rules has already been completed. And the adoption of Stand. Com. Rep. Nos. 410 and 411 has been completed so those two measures have passed Third Reading. We are now on Stand. Com. Nos. 412 and 413, 48-hour notice."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 412-10) recommending that H.B. No. 1901, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 412-10 on H.B. No. 1901, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1901, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 413-10) recommending that H.B. No. 2169, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 413-10 on H.B. No. 2169, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2169, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 414-10) recommending that H.B. No. 2594, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, the report of the Committee was adopted and H.B. No. 2594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Finance, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

THIRD READING

H.B. No. 2427, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, H.B. No. 2427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At 12:53 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2427, HD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Belatti, Bertram, Carroll, Choy and Evans were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Magaoay:

H.B. No. 2162, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Bill. (Representatives Belatti, Carroll, Choy and Evans were excused.)

H.B. No. 2162, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, H.B. No. 2162, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Final Reading by a vote of 47 ayes, with Representatives Belatti, Carroll, Choy and Evans being excused.

At 12:55 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2162, HD 1, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 41) and concurrent resolutions (H.C.R. Nos. 90 through 92) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was jointly offered by Representatives Evans, Awana, Magaoay, Mizuno, B. Oshiro, Tsuji, Brower, Carroll, Chong, Choy, Keith-Agaran, M. Lee, Luke, M. Oshiro, Rhoads and Souki.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was offered by Representative McKelvey.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST THE KOLOA COMMUNITY'S HAPA TRAIL VOLUNTEERS' PROJECT TO RESTORE AND MAINTAIN HAPA TRAIL," was offered by Representative Sagum, by request.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was jointly offered by Representatives Evans, Awana, Carroll, Magaoay, Mizuno, B. Oshiro, Tsuji, Brower, Chong, Choy, Keith-Agaran, M. Lee, Luke, M. Oshiro, Rhoads and Souki.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, on behalf of myself and Representative Mizuno, co-sponsors of today's fellowship luncheon, there'll be a free lunch in Room 312. There will also be a short video clip on a man who has no arms and no legs, but yet has a full inspiring life. That's in Room 312 as soon as we adjourn. Thank you."

ADJOURNMENT

At 12:57 o'clock p.m. on motion by Representative Magaoay, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 17, 2010. (Representatives Belatti, Carroll, Choy and Evans were excused.)

HOUSE COMMUNICATIONS

House Communication dated February 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2162, HD 1, SD 1

NINETEENTH DAY

Wednesday, February 17, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all Members present with the exception of Representative M. Oshiro, who was excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 30) was received and announced by the Clerk:

Sen. Com. No. 30, transmitting S.B. No. 2246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on February 16, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Ching and M. Oshiro were excused.)

S.B. No. 2246, SD 1

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. No.	Referred to:
41	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

H.C.R. Nos.	Referred to:
90	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
91	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
92	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

S.B. No.	Referred to:
2076	Committee on Human Services, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 415-10), recommending that H.R. No. 10, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was referred to the Committee on Finance, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 416-10), recommending that H.C.R. No. 19, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was referred to the Committee on Finance, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 417-10), recommending that H.R. No. 11, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 418-10), recommending that H.C.R. No. 49, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 11, and H.C.R. No. 49, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in opposition to both measures, stating:

"Mr. Speaker, thank you. On Stand. Com. Report 417, I stand in opposition. Mr. Speaker, in the first place I think this is a measure that's not necessary because the Department of Human Services has more than they can handle. But I find it to really have a misogynistic feeling to me. Although we know that violence against men occurs and that women sometimes perpetrate violence against men, the great majority of domestic violence cases are those where men have been the perpetrator.

"Surely we should be against violence in any way, whether it's perpetrated by men or women, but I find this an unnecessary measure and I find it really offensive in terms of being directed towards women in an unpleasant way.

"So I am in opposition and I'd like to point out that during the Committee hearings, only one woman was present and she voted with reservations. The other women were absent. Thank you."

Representative McKelvey rose in opposition to both measures and asked that the remarks of Representative M. Lee be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Belatti rose in opposition to both measures and asked that the remarks of Representative M. Lee be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Mizuno rose to speak in support of both measures, stating:

"In support, Mr. Speaker. In complete respect to the previous speakers, according to the Honolulu Police Department, one-third to one-half of their time is spent on domestic cases. Domestic abuse cases. These cases relate to not only men assaulting women, but also women assaulting men. They even have cases against infants. In fact, shaken baby syndrome is a form of domestic violence.

"As you look into domestic violence and the complexity of it and you start to peel back the layers, you see that it is far reaching and broad. Not only does it affect women, it affects all of us. I appreciate the author of these measures, both Stand. Com. Report 417 and Stand. Com. Report 418, for bringing to light a concern that we have. Domestic violence in any form, towards anyone, male or female, children or *kupuna*, is wrong. Therefore I support these measures. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, as Chair of our Caucus' Gender Equity Committee, I back the Chair of Human Services."

Representative Morita rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, in opposition to both measures, Stand. Com. Rep. Nos. 417 and 418. I believe the resources should be put to prevention of domestic violence rather than investigation. And I would like to adopt the words of the speaker from Mililani as my own," and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose to speak in support of both measures, stating:

"In support of both measures, Mr. Speaker. As our nation moves toward our claim of gender equality and equality towards women, we should not negate the claims of men to be untrue. We should give them equality, just as women want equality from them. For the sake of gender equality, I think that we should give credence to these Resolutions. I would like for men to think that we're not just biased towards ourselves. So let's vote for gender equality. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was referred to the Committee on Judiciary, with Representatives Belatti, M. Lee, McKelvey and Morita voting no, and with Representative M. Oshiro being excused; and

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was referred to the Committee on Judiciary, with Representatives Belatti, M. Lee, McKelvey and Morita voting no, and with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 419-10), recommending that H.R. No. 21, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Legislative Management, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 420-10), recommending that H.C.R. No. 61, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Legislative Management, with Representative M. Oshiro being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 421-10), recommending that H.C.R. No. 8, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 8, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations on Stand. Com. Rep. No. 421 for three reasons. This picture takes away the portraits of our history. Regardless of whatever we think about our history, I think the language they use, particularly in the first paragraph about illegal, immoral, unjust; that's pretty strong 'in your face' language. I don't know if the message of this is to take it and use it like the language of the Apology Resolution, which in 1993 the Supreme Court basically took it and applied it to ceded lands. So some of the language in here looks like it may be leverage-able and probably a bit of an overstatement.

"And lastly you could argue the opposite; that maybe our history needs to be reminded of what took place, and for those Hawaiians who want to see it and have that fire in their belly rekindled. It could have the opposite effect. So removing this I think, has some real questionable value. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to House Concurrent Resolution Number 8, which urges that portraits of officials of the Provisional Government of Hawaii be removed from display in positions of honor in State government buildings.

"By divesting recognition and respect from certain key figures of Hawaii's history, this Resolution asks the people of Hawaii to both rewrite and ignore history. We cannot deny that the Provisional Government of 1893 and 1894 played a pivotal role in Hawaii's progress toward Statehood, regardless of whether our own distant ancestors instigated annexation, or even supported it at all. As I am a fifth-generation Chinese *kama'aina*, my own ancestors were not recognized as citizens of Hawaii between 1893 and 1894. If we remove all visible traces of the Provisional Government from government surroundings, we are forcing a blatant abyss in our State's developmental identity. No retrospective glance can be perfectly impartial, so by denying the portraits "honor," we are deliberately thrusting them into shadows of dishonor.

"If we remove all visible traces of the Provisional Government from government surroundings, we are forcing a blatant abyss in our State's developmental identity. Almost worse, if we specify that Provisional Government portraits are not to be placed in "positions of honor," we will spit in the face of the United States of America. No retrospective glance can be perfectly impartial, so by denying the portraits "honor," we are deliberately thrusting them into shadows of dishonor. Urging us to ignore and denounce Hawaii's progress toward joining the Union – and thus

enjoying the protection, education, order, and funding we may now take for granted – H.C.R. No. 8 forces the people of Hawaii to adopt a sentiment of treason.

"Although all testimonies are bound towards some bias, it is inexcusable that H.C.R. No. 8 – when we have easy access to a variety of viewpoints – selects only those representing one position. Relying wholly upon Cleveland and the Blount Report for authority, refusing even to examine their source biases, H.C.R. No. 8 threatens to force a false and unilateral view of history upon the public. Let us defeat this offensive Resolution. In doing so, we shall remain informed students of Hawaii's history, and loyal citizens of the United States of America. Thank you."

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

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

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

"Thank you, Mr. Speaker. I just wanted to comment in support. This Resolution was part of the Office of Hawaiian Affairs package and there was only support for this Resolution. I just want to make that comment in the Journal."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT PORTRAITS OF OFFICIALS OF THE PROVISIONAL GOVERNMENT OF HAWAI`I BE REMOVED FROM DISPLAY IN POSITIONS OF HONOR IN STATE GOVERNMENT BUILDINGS," was referred to the Committee on Finance, with Representative Ching voting no, and with Representative M. Oshiro being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 422-10) recommending that H.B. No. 2546, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2546, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representative M. Oshiro was excused.)

THIRD READING

H.B. No. 2136:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2136, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

H.B. No. 2286:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:19 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2136
H.B. No. 2286

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 44 and 45) and concurrent resolutions (H.C.R. Nos. 93 and 94) were referred to Printing and further action was deferred:

H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT INTERIM AMENDMENTS TO HAWAII ADMINISTRATIVE RULES RELATING TO CONSTRUCTION CONTRACTS UNDER THE HAWAII PUBLIC PROCUREMENT CODE TO DETERMINE WHETHER THOSE AMENDMENTS ARE CONTRARY TO THE LETTER OR SPIRIT OF THE PROCUREMENT CODE," was offered by Representative Takai.

H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE CONTRACTING LICENSING LAWS OF OTHER STATES TO CLARIFY WHAT CONSTITUTES "INCIDENTAL AND SUPPLEMENTAL" WORK IN THE CONTEXT OF CONTRACTOR LICENSING," was offered by Representative Takai.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT INTERIM AMENDMENTS TO HAWAII ADMINISTRATIVE RULES RELATING TO CONSTRUCTION CONTRACTS UNDER THE HAWAII PUBLIC PROCUREMENT CODE TO DETERMINE WHETHER THOSE AMENDMENTS ARE CONTRARY TO THE LETTER OR SPIRIT OF THE PROCUREMENT CODE," was offered by Representative Takai.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CONTRACTING LICENSING LAWS OF OTHER STATES TO CLARIFY WHAT CONSTITUTES "INCIDENTAL AND SUPPLEMENTAL" WORK IN THE CONTEXT OF CONTRACTOR LICENSING," was offered by Representative Takai.

ANNOUNCEMENTS

Speaker Say: "At this time the Chair would like all of us to rise for a moment of silence for one of our former colleagues who passed away, former Representative Mits Shito. Some of you may recall Mits Shito. Would you all please stand for a moment of silence?"

At this time, the Members of the House of Representatives stood for a moment of silence in honor of former Representative, the late Mitsuo "Mits" Shito.

ADJOURNMENT

At 12:20 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 18, 2010. (Representative M. Oshiro was excused.)

TWENTIETH DAY

Thursday, February 18, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by fourth and fifth grade students of Halau Lokahi, after which the Roll was called showing all Members present with the exception of Representatives Berg and Souki, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Tenth and Eleventh Days were approved. (Representatives Berg and Souki were excused.)

INTRODUCTIONS

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

Representative Pine introduced her husband, LT Brian Ryglowski, US Navy.

Representative Pine also introduced many veterans, friends and family of veterans, and those currently serving our country:

Kimo Kaleikini, US Navy Veteran;
Dewaynette Kellogg, US Air Force Veteran;
Mark Petterson, US Navy Veteran;
David C. Kegg, US Air Force and US Navy Veteran;
John Krumm, US Army Veteran;
Mical Ortega;
Angel Raez;
Isiah Handa;
Barthamule Freman;
Chris Evans, US Army Veteran;
Anne Johnson;
Dick Johnson, US Navy Veteran;
Jovy Suniga;
Brenan Monegas;
Rodelio Cruz, US Navy Veteran;
Paul Baguze, US Navy Veteran;
Carlos Villicana, US Navy Veteran;
Owen Foster, US Navy Veteran;
Jessica Maulcopet;
Robert Walterick, US Navy Veteran;
Charles Patterson, American Legion;
Robert Kent, Disabled American Veterans;
Orlando Perez, Disabled American Veterans;
Mark Giblin;
Michael Soucie, US Department of Veterans Affairs, American Legion Post 17 Commander;
Brian Cahill, US Army and US Marine Corps Veteran;
SGM Jean Smith, US Army Veteran;
Tim Prahl, US Coast Guard Veteran;
RADM Paul Vasquez, US Navy Veteran;
Charles Watson, US Army Veteran;
John Willoughby, US Navy Veteran;
Giovannie Sibayan;
Tina Gagabi;
George Berish, US Army Veteran;
Edward J. Aga, US Army Veteran;
Robert K. Ellie, American Legion Post 56;
Angelo Paul Russo, US Air Force Veteran;
Al Remigio, US Army Veteran; American Legion Post 56;
John L. Williams, US Army Veteran; American Legion Post 56;
Bernard Lee, American Legion Department of Hawaii;
Andrew Johnson, American Legion Post 56;
Daniel Perreira, US Army Veteran;
Angela Bick;
Patrick Nobriga, US Air Force Veteran;
Berry Ho, US Army Veteran;
Ivan Lee;
Ron Schaedel, US Marine Corps Veteran;
Franklin Souza, US Army Veteran; and
Anthony Gioia, US Air Force Veteran.

Peniel Educational Ministries:
Rev. Charles Underwood;
Jade Underwood;
Josiah Reyes;
Osamu Alokoa;
Brittany Wright;
Amber Mefford;
Braden Lai;
Manaby Alokoa; and
Ashlyn Tate.

Representative Cabanilla introduced her nurse collegues: Ms. Nancy Atmospera-Walch, Ms. Lorilyn Wandasan, Ms. Donna Schmidt, Ms. Violeta Arnobit, Ms. Mila Batalon, Ms. Estelita Terrado, Ms. Elsa Talavera, Ms. Agnes Reyes, Ms. Lourdes Franco and Ms. Rosy Thomas.

Representative Mizuno recognized many case managers and community foster and adult residential care home operators who serve and care for the elderly and disabled.

Representative Manahan, on behalf of Representative Mizuno and himself, introduced the 4th through 8th grade students of Halau Lokahi, and their Director Ms. Laara Allbret; and Kumu Adeline Keama, Kumu Tiane McNeil, Kumu Kealii, Kumu Kristen, Kumu Hina and Kumu Kuulei.

Representative Finnegan introduced additional veterans, and friends, family and supporters of veterans:

Fred Dauer, US Army Veteran; Disabled American Veterans;
Jean and Stanley Maria;
Noni Panen;
Todd Kaulukukui;
Greg Tanaka;
Nestor Butac, US Army Veteran;
Ryan Yamamoto;
Keith Tanaka;
Julie Aguinaldo;
Juanita Ramos;
Robert A. Higuchi, US Army Veteran;
Jack Miyasato, Vietnam Veteran;
Charlotta "Hana" Britten, Ladies VFW;
Karen Abe;
Marie Boles; and
Harold Alejandro.

Speaker Say introduced high school members of the *Honolulu Advertiser* Teen Editorial Board:

Ms. Katelyn Orr of Kahuku High School;
Ms. Dara Nakagawa of Pearl City High School;
Mr. Drake Boyer, homeschool student;
Mr. Cameron Dye of Iolani School; and
Mr. Stephen Downes, chaperone.

Representative Ito introduced Commander Stan Fernandez of the Civil Air Patrol in Hawaii and Junior Vice Commander of the Veteran of Foreign Wars.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
44	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
45	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
46	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
47	Committee on Energy & Environmental Protection
48	Committee on Energy & Environmental Protection
49	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs
50	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
51	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

H.C.R. Nos.	Referred to:
93	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
94	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
95	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
96	Committee on Energy & Environmental Protection
97	Committee on Energy & Environmental Protection
98	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs
99	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
100	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

S.B. No.	Referred to:
2246, SD1	Committee on Judiciary

COMMITTEE REASSIGNMENTS

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

H.B. Nos.	Re-referred to:
2298, HD1	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources
2462	Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATION)

The following resolution (H.R. No. 52) was announced by the Clerk and the following action taken:

H.R. No. 52, entitled: "HOUSE RESOLUTION COMMEMORATING THE 65TH ANNIVERSARY OF THE END OF WORLD WAR II AND ACKNOWLEDGING THE PEARL HARBOR HISTORIC SITES PARTNERS FOR THEIR CONTRIBUTIONS IN PRESERVING THE NATION'S MILITARY LEGACY," was jointly offered by Representatives Takai and Finnegan.

Representative Takai moved that H.R. No. 52 be adopted, seconded by Representative Finnegan.

Representative Takai recognized and thanked the Pearl Harbor Historic Sites partners and commended them for working together to preserve and honor our military history and those who served our country.

Representative Finnegan acknowledged Representative Takai for his participation in bringing the Historic Sites partners together, and then introduced the honorees seated on the Floor of the House:

Mr. Paul DePrey, Superintendent, USS Arizona Memorial;

Mr. Jerry Hofwolt, Executive Director, USS Bowfin Submarine Museum and Park;

Mr. Michael Carr, President, Battleship Missouri Memorial;

Mr. Kenneth DeHoff, Executive Director, Pacific Aviation Museum; and

Ms. Claire Tamamoto, representing Pearl Harbor Historic Trail.

Representative Takai also introduced Mr. Daniel Martinez, USS Arizona Memorial and Park Service historian, who was seated in the Gallery.

Representative Ching thanked the Historic Sites partners for their work in educating the public about our history and those who served.

The motion was put to vote by the Chair and carried, and H.R. No. 52 was adopted, with Representatives Berg, M. Oshiro and Souki being excused.

At 12:40 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Berg, Bertram, Luke and Souki were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 412-10) recommending that H.B. No. 1901, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1901, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 413-10) recommending that H.B. No. 2169, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2169, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise on Stand. Com. Rep. No. 413 to express some reservations. Small businesses are the lifeblood of the Hawaiian economy. It is the small businesses that provide services to our local people and our tourism industry. It is these small businesses that provide most of the jobs, and drives our economy. It is these businesses that we are trying to save and help with House Bill 2169, House Draft 2.

"This bill is a good step in the right direction. Without this legislation the employment tax will probably result in a greater increase than unemployment, putting an even greater strain on our already fragile Unemployment Insurance Fund.

"However, this is where I have reservations, Mr. Speaker. The bill does not go far enough. The bill only provides tax relief for the next two years. Under the Administration's proposal, these businesses will have tax relief over the next four years and provide almost $500 million in tax relief. Tax relief that will help our local businesses recover and become prosperous once again.

"The current bill before us uses Schedule D for 2010 and Schedule F for 2011. That is just two years of help. The Department of Labor's plan uses Schedule E for 2010 and 2011 and Schedule F for 2012 and 2013. That is four years of helping our small businesses. In addition, if the economy improves as we all hope it does and the fund increases, the Administration's proposal allows for the Department of Labor to use …"

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. Under our *Mason's Rules* Section 101, Point number 4, debate on a bill is confined to the bill under consideration and does not extend to other bills before the House or in Committee even though they relate to the same subject. So she can only talk about the bill before us."

The Chair addressed Representative Marumoto, stating:

"Thank you, very much. Representative Marumoto, could you please confine your remarks to the bill in its current form as a House Draft 2."

Representative Marumoto continued, stating:

"Thank you for the reminder, Mr. Speaker. This current bill before us will lock us into a mandated schedule for two years and after that time we go back to business as usual, to no relief at all. God forbid that the economy here does not improve, and we pass more taxes that drive companies out of business, and the unemployment rate goes even higher. Well in two years we will be back in the same spot we are in today, or maybe even a worse position. However, if we consider a different plan, then we might have a few more years to help 'weather the storm.' I hope we will see more improvement in this measure as it progresses through the Session. Thank you."

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

"Mr. Speaker, I rise with strong reservations, almost a no, but with reservations. There's something I'd like to say for it. It's arguably probably the most important bill for the small business community in Hawaii. It's one that for $90 per employee to go up to $1200 per employee for the unemployment insurance.

"As my colleague indicated, this bill does not give a soft landing. It's a half a loaf. It gives for the first year $600 from the $90, but in the second years it goes up to $900. I would argue it's only one year of relief, whereas the Administration's bill gave a soft landing where it would be $600 for three years plus. Then after the economy turns around we can raise up those rates to make it whole.

"The irony of this, Mr. Speaker, is that it costs us nothing. This is all being paid by the business community so why are we being so stringent in making it a hard landing. My fear is this could be a job killer, and if there's anything we've got to do, number one is get our kids back in school, and number two, keep the jobs in Hawaii. For those reasons, Mr. Speaker, I have very, very strong reservations."

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

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. I just wanted to mention one thing and that is a few years ago when we first debated this issue there was one colleague of ours who stood out and warned us that if we did a certain thing, we may be causing something else. And that something else actually is happening today. And I do want to recognize at this point, then Representative Dwight Takamine, now Senator Dwight Takamine, because he warned us and he told us not to do what we did in 2007. But we did it, and unfortunately we're paying the price that he basically said we would pay.

"And I think as we go along and make decisions this year, I think it's important to heed advice from some of our learned colleagues. I just wanted to remind the Members that I think we were warned very clearly about something like this happening, and I wanted to thank Representative now Senator Takamine for his guidance back then. Thank you."

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

"Mr. Speaker, in support. Just a couple of quick points, one is that the HD 2 of this bill is not exactly what the Chamber of Commerce asked for, but it's very similar and I'm happy to support the Chamber's position. I'm happy to support this bill and am pleased that it is similar to what the Chamber of Commerce would like to see.

"Secondly, with regard to the longer term of the tax deferral for businesses and UI, under the Administration's proposal we would still be running a $164 million deficit in the UI Fund at the end of 2013. In 2014 we would only be running a positive balance of $23 million. I think it's a very dubious proposition. It's very difficult to predict that far in the future what the economy's going to be doing and we're trying to adopt a responsible approach to this issue.

"I and others, my Vice Chair and others have been working on this problem for months now, and we think that the bill that's on the table right at the moment is a good compromise. It actually gives more tax relief in its first year. It only goes to Schedule D in the first year, which is a lower tax rate than the Schedule E that the Administration wants. So for the year that we know there's going to be a problem, which is this year, the bill that's on the Floor today offers more tax relief with regard to the schedule than the Administration's bill does.

"Now the Administration's bill does cut back on the taxable wage base at a deeper rate, but this is a complicated system in a lot of ways ..."

Representative Finnegan rose, stating:

"Mr. Speaker. Thank you I'm just curious because you just made a ruling and I'm going ask for fair treatment and say that we can speak about bills other than what is being covered today."

The Chair then stated:

"I believe the Chair of the Labor Committee is trying to make a comparative analysis between the original bill, the House Draft 1 and finally the House Draft 2. The Chair will allow him to continue."

Representative Finnegan: "As well as the Administration's, Mr. Speaker?"

Speaker Say: "The Administration's bill is not before this Body. The original House Draft …"

Representative Finnegan: "I agree. That's what this speaker is also speaking of. So fair treatment is all I'm asking for."

Speaker Say: "At this time, the Chair will allow the Chair of the Labor Committee to continue. Please, Representative Rhoads."

Representative Finnegan: "Mr. Speaker, then could I also ask that our Representative from Kahala be able to also speak, and anyone else on the Administration's bill and the HD 1?"

Speaker Say: "At this point in time, Members of the House, the Administration's bill is not before this Body. It is a House Draft 2, which is a compilation of three different versions, the original House Bill, House Draft 1, and House Draft 2.

"The contents of the original bill, the Chair of Labor is making that comparison to the House Draft 1, which came out of the Labor Committee. That was the Labor Committee's recommendation. And now before this Body is a House Draft 2, which is the recommendation of the Finance Committee. And that's the procedure I am following. I will let the Chair of the Labor Committee continue his discussion. Please proceed."

Representative Rhoads continued in support, stating:

"Thank you, Mr. Speaker. I just have one more point. And my apologies for straying too far from the ruling that you made a few minutes ago. It is a complicated topic and it's very difficult to discuss in isolation, and I understand that.

"But the only other thing I would add is it is a very complex system. There are lots of variables. We're doing the best we can to get businesses through this difficult period. This bill does that while maintaining that those who are laid off, which by definition means that they've not been fired, and it's no fault of their own, they continue to get their unemployment benefits which will help keep the mortgage paid and keep food on the table. So that's all for my comments. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Mr. Speaker, I support this with reservations. Thank you, Mr. Speaker. This is probably one of the most important bills that we have to pass during this Session because as you know and like I've said in the past, that small businesses are the engine of our economy. Businesses in general that give us jobs are the engine of our economy.

"Mr. Speaker, I just wanted to address a couple issues that were brought up. We need an aggressive plan and I'm thankful that we're bringing up this piece of legislation. The original, and the House Draft 1, there's significant change. And now through the Chair of Finance and the Finance Committee, there's been a lot of improvement, I believe. I think we should go one step further, and I agree with my colleague from Hawaii Kai.

"The issue that I wanted to speak about was, if the former Representative who is now a Senator of the Hilo area, when he passed this bill there was a compromise. It was not only that we would give relief to small businesses, but in conjunction we also gave extended benefits. So if you want to say that this is solely because of the warning of possibly using up the Unemployment Fund during a bad time, it was also because of the second half of that bill, which was extending and making greater the benefits. So it's twofold.

"Mr. Speaker, I would also say that in this, now when we're looking for relief for the small businesses because these uninsurance premiums are going to go up significantly, we are not looking at the other side of the equation. So business again will be paying for any higher premiums. This is a business tax for the unemployed, and I don't disagree with it, but business pays for it. So if you're going to go into a deficit, the businesses will pay for it in repaying that Fund or making payments for that Fund.

"No unemployed person will come back and give back benefits. No unemployed person is going to come back and make payments unless they decide to become a business. So this is shouldered all on the business community to pay back any funds that they're borrowing. And if it means that they're going to borrow so that they can stay alive, then I think that that's a positive thing.

"And we should talk from this Legislature, because we do things like borrow into the future all the time with deficits. So I don't understand why we're going to be so strict on the Unemployment Insurance Fund.

"Mr. Speaker, one of the good things, like I said, is that this is something that the Chamber came to the table on. So through testifying, it has been something that the Chamber agrees to. But we've talked to businesses that are on the ground outside of this Capitol, and these increases, even that the Chamber is requesting, are heavy, heavy, heavy increases for the average business out there.

"I think if we were to bring it to ground, if we were to bring it to the businesses out there, they would tell us that they need a more aggressive approach, and that they need this unemployment insurance increase, they would need to have a softer landing than we are presenting today. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker, In support. Thank you very much. When we looked at House Draft 1 and we were working on House Draft 2 to make it a little more generous to employers, what we had to also consider was the contribution rate schedule. In the contribution rate schedule the way the mechanism works is, when you're repaying into the Fund it burdens the employers that have lower experience. So the concern was if we were a little too generous on how much we were aiding the employers, that we would shift the burden to the employers with low experience rates. So I think where we ended up in House Draft 2 was a good compromise. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief rebuttal. Mr. Speaker, no one in this State caused this problem. To say that one Representative was prescient when we had $500 million sitting in that Fund, that he was a 'soothsayer' and knew what was going to happen. No one knew what was going to happen in 2008. No one knew that in the last quarter of 2009 that we'd lose 46,000 jobs, 99% of which were private sector. The public sector has lost maybe 1%.

"The money that we're talking about here, if it does go as the Chair of Labor said, go into a deficit, its borrowing money from the federal government. If there's anything that Hawaii has been very good at, it's getting federal assistance.

"The final thing, Mr. Speaker, is that if this is going to cost us jobs, it's 'penny wise and pound foolish.' I know it's relative to what the Chamber says, and what small businesses and other people we've talked to on the street say, but you don't usually ask for a half a loaf until you know you can get the full loaf."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. I'd like to thank the Chair of the Labor Committee for all his work over the interim. He spent a lot of time. I'd like to also thank the Director of the Department of Labor and Industrial Relations, Mr. Darwin Ching. He spent a lot of time also on this measure. I like to also thank Jim Tollefson from the Chamber of Commerce, and Sherry Menor from the Chamber of Commerce of Hawaii, for their time and effort in reaching a compromise, balancing the interest of both the laid-off employees and the employers.

"I'd like to also thank the Vice Chair of Labor who came up with this creative notion that those who used the Fund the most and who may bear some responsibility for the losses of the Fund will bear an equitable and fair assessment in the repayment of the interest and principal of the money that will be borrowed from the federal government.

"Some high points of this measure, Mr. Speaker, and the reason why both Director Ching and the Chamber of Commerce support the current draft, House Draft 2, is that for calendar years 2010 and 2011, the wage base is set at 19% of the average annual wage.

"Number two, the employer contribution rate is at Schedule D for this calendar year, and Schedule F for the next calendar year, 2011.

"Number three, the requirement that the UI contribution rates scheduled to be determined semiannually and annually is deleted. That may appear in a different vehicle for consideration so that it can be more responsive to the changing economic conditions and addressing the needs of the employers.

"Number four, the maximum weekly benefit rate will stay at 75% of the average weekly wage effective January 31, 2011 and provide for the percentage to return to 70% on January 1, 2012. This runs concurrent and consistent with the policy on both sides of the equation; laid-off workers and the employers.

"Finally, Mr. Speaker, this requires the Department of Labor and Industrial Relations again to come up with a mechanism to properly assess the principal and interest of the moneys borrowed from the federal government. Mr. Speaker, this provides immediate relief to our burdened employers, sustains the Unemployment Fund for those laid-off workers, and provides about $200 million in savings to our Hawaii businesses. For these reasons I hope we can support this measure. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, still with reservations. But I just wanted to make something very clear. The laid-off workers part. The reason why we're so, well at least for myself, want to be aggressive with trying to help businesses, to be more aggressive than this bill is, is because we don't want more people being laid off. If businesses have so much of a spike in Unemployment Insurance taxes, the only thing that they can do in a depressed economy like ours is to look at possibly laying off more people.

"So our stance, my stance, in supporting businesses is because we don't want to see more laid-off people. This isn't anti-laid-off people. This is pro-job. This is keeping people in the work force. This is what do we do at this crossroad when this could very well mean that we could lay off more people. It's just like in my Opening Day speech when I talked about Shirokiya and the possibility of this Unemployment Insurance tax being hiked up and businesses not being able to afford their current workforce.

"So, Mr. Speaker, please understand and be very clear that this is not about being anti-unemployed. This is about pro-work and keeping people employed. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Rhoads rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in support. I just want to say that as far as I know, no one on this side of the aisle has said the Republicans were anti-unemployed. All I'm suggesting is that there is a balance. You do have to have some money in the Fund to pay the unemployment insurance. And for those who are unemployed through no fault of their own, this is a lifeline. So what we're looking for is a balance. We're looking for prudence and I think that the bill that we're looking at today is a more prudent approach than the Administration's.

"I understand the Administration wants to be more aggressive and that's a policy choice that they're perfectly entitled to make. The national economy is already growing, and they're basically assuming that nothing good is going to happen in the next two years, or the next three years actually. I don't think that's necessarily a good assumption. This is a compromise bill, but when you look at what the factors are trying to balance, I think it's a prudent way to go. Mahalo"

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

"Thank you, Mr. Speaker, I have some serious reservations about the bill as well. Mr. Speaker, I think it's very clear that this bill will create more unemployment because small businesses are going to end up having to lay off some workers. So it's an escalating problem.

"I don't see that we should necessarily rely upon the Chamber of Commerce's support for the bill because for the most part, the Chamber represents very large businesses. The small businesses that were not there testifying are there at work. They don't have the luxury of sending someone down to the Capitol saying that if you pass the bill with this requirement in it, we're going to have to lay off some of our employees.

"So I think what we're looking at is a self-perpetuating downturn and I would hope that we would reassess this bill when it comes back from the Senate. Thank you."

The Chair then recognized Representative Ward, stating:

"Representative Ward, this is your third time speaking. Please state your point of personal privilege."

Representative Ward rose, stating:

"May I have a ruling on a point of personal privilege? The point of personal privilege is one Member from the other side said that the GOP, and this is a Twitter. This is a technology point of personal privilege. He said that the GOP is urging a softer landing for businesses on the Unemployment Insurance changes by reducing benefits for laid-off workers.

"Mr. Speaker, no one has said anything about the benefits for laid-off workers being reduced. This is misinformation. It's unfair, and it's a point of personal privilege. I'm offended by that. We have not said anything about benefits to workers. It's unfair."

The Chair responded, stating:

"Representative Ward. Representative Ward, you are out of order."

Representative Ward: "I know there's a technology that does this, and the person who did it knows who it is. It is unfair and dishonest."

Speaker Say: "Representative Ward. Representative Ward, you are out of order."

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

"Thank you. Reservations. I think that it's been published. I wanted to just add that it's been published by many financial experts who have said that they don't expect us to turnaround in the next few years. I would also ask for additional written comments please."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations on H.B. 2169 - Relating to Employment Security. I believe that this bill is a step in the right direction but it doesn't go far enough. I think the Governor has a more effective bill at this time.

"This is an important topic, particularly during these economic times and we must address this matter. The Chamber of Commerce states in their testimony, "Unless every effort is made to mitigate the impact on jobs, a dramatic tax increase over the next few years, the largest ever in Hawaii or in the United States, will likely lead to more loss of jobs, more business failures, a weakening of any recovery and further depletion of the unemployment trust fund. The non-profit and non-partisan organization, Urban Institute, has noted in review of our situation that the high tax rate schedules in store for the next few years have not been operative for more than 30 years and that increased taxes will increase unemployment, but the magnitude in uncertain." Thank you."

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

"In support, Mr. Speaker. If we don't pass this bill, there will be even larger layoffs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2169, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

At 1:14 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1901, HD 2
H.B. No. 2169, HD 2

At this time, the Chair announced:

"At this time, the Chair would like to share my thoughts with the Members of this august Body, and to say thank you for fast tracking these two measures.

"These two measures are basically trying to address and prevent a crisis from occurring in April regarding the rate increases of the UI, and also for the procurement of the voting system equipment which is in anticipation of an appeal or protest of the acquisition which will be a major detriment to the elections this fall."

At 1:14 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:19 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 423-10) recommending that H.B. No. 2016, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 424-10) recommending that H.B. No. 2371, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Pine rose and stated:

"Mr. Speaker, I move to recall House Bill 2311."

At this time, the Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order at this point. You are out of order at this point. The Chair will not recognize that motion.

"Right now, we are on the motion for the Reports of Standing Committees. The Majority Leader and the Majority Floor Leader made this motion and seconded the motion for the Reports of Standing Committees and we are addressing it. That is the main motion before this Body at this point in time."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 425-10) recommending that H.B. No. 2304, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 426-10) recommending that H.B. No. 2132, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representatives Morita, Ito and Tsuji, for the Committee on Energy & Environmental Protection, the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 427-10) recommending that H.B. No. 2450, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Pine moved to recall H.B. No. 2311 from the Committee on Housing, seconded by Representative Thielen.

At this time, the Chair stated:

"Members of the House it has been moved and seconded that House Bill No. 2311 be recalled from Committee. For all of you here this afternoon, Members of the House, this is a procedural motion. A procedural motion. Debate is limited to the propriety of the action in recalling the bill. Debate

on the merits of the bill is not in order at this point in time. Is there any discussion on the recall motion before us now, Members of the House."

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

"Mr. Speaker, I rise in support of the motion. Mr. Speaker, as a Vietnam Veteran, this is a very meaningful bill to me. And historically, as a freshman in this Body, when we were at the Leiopapa a Kamehmeha Building, we had a similar measure that was a resolution encouraging the Congress to not allow the burning of the American flag."

At this time, the Chair addressed Representative Ward, stating:

"Representative Ward, can you confine your remarks to the recall motion? I support the recall motion because …."

Representative Ward: "Because it allows us to treat the flag …"

Speaker Say: "And not to debate the issue which is not before us. Please proceed."

Representative Ward continued, stating:

"I was going to use your words. I think it's only fair to debate in a democracy, those issues which come to this marketplace of ideas, for people to use their mind, their intelligence. And for those who have come here with their feet and have given their blood, and guts to their country, to have this Body, with courage and bravery, have a vote on a bill that allows them to place a flag in their yard of their own property, of their own doing, for their own country, for the service that they have given to that nation. For those reasons, Mr. Speaker, we do this."

At this time, the Chair stated:

"Madam Clerk, the remarks stated by Representative Ward are out of order. The motion before this Body is the motion to recall. It is not to state the issue of the bill which is not before us, or what it is all about. If this is the political democracy that you're talking about, I am sorry."

Representative Cabanilla rose to speak in opposition to the motion to recall, stating:

"I'm in opposition to pulling the bill out of Committee, Mr. Speaker, by reason that this bill had a hearing, and nobody, nobody, no one showed up at the hearing."

Representative Har rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, in support of the motion. Mr. Speaker, I support the motion because of this: for the Chair of Housing to say that there was no testimony offered in support is rather disingenuous. Because everybody in this Body knows that bills move forward whether there is testimony in support or not. Again, the whole process of democracy, and it is incumbent upon us as policymakers to listen to both sides and to find viable solutions. For a Chair simply to defer moving on a bill because there was no testimony in support is not a reason to defer the bill. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, in support of a motion to pull House Bill 2311, which will allow anyone in America to fly a flag no matter where they live. The reason I support this motion, Mr. Speaker …"

Representative Cabanilla rose, stating:

"Mr. Speaker. I'm in opposition, and I would like to say that House Bill 2311 is not about flying the flag. It's about erecting a flag pole."

The Chair addressed Representative Cabanilla, stating:

"Representative Cabanilla, please. For what reason do you rise?"

Representative Cabanilla: "The bill is misconstrued. The description of the bill is misconstrued."

Speaker Say: "We are not addressing the bill. We are addressing the motion to recall. So please, Representative Pine, please proceed with the motion, but confine your remarks to the procedural recall motion."

Representative Pine continued, stating:

"Yes, Mr. Speaker, the reason I support this procedural recall motion is I believe that no one in America, especially those that have served their country, should ever have to beg and ask permission to fly the American flag. No one."

The Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order. Representative Pine, you are out of order. The motion is the recall motion. Not to debate the issue which is not before us. This is a procedural motion. Please. For all of you."

Representative Pine continued, stating:

"The reason I support this motion, Mr. Speaker, is because I believe that if we do not pass this motion today we are discriminating against veterans who wanted a right. A basic right. A right that we gave to windmill's in community associations on Tuesday. And a right that we gave to solar panels in community associations. And a right that we gave to clotheslines.

"I believe in supporting this motion that we are fighting for them as they have fought for us."

Representative Thielen rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, in strong support of the motion and at the appropriate time after debate is concluded, I call for a roll call vote," and the Chair "so ordered."

Representative Finnegan rose to speak in support of the motion to recall, stating:

"Mr. Speaker, in support of the motion. Mr. Speaker, I think what this is about is sometimes when a Chair makes a decision, a majority of the Members in the House of Representatives may have a different opinion. So by recalling this bill, it allows all of us to voice whether or not we support the underlying bill, to be able to make known our opinion especially when there are a lot of people who are depending on us to do the right thing. Thank you."

Representative Ching rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, in support of the motion as well. I just wanted to make the point that we all know how difficult it can be to get people, get the word out, when a hearing is being held. But the point of the hearing is to make sure that the voices are heard, and I think the voices are being heard. And we need to make sure that we don't lose sight of the forest beyond the trees. Thank you."

Representative Morita rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker, I rise in opposition to the recall. In speaking from a point of view of a Committee Chair, we have lots of issues that come before us. The Committee on Housing only has one hearing day. The Chair was good enough to schedule this hearing. Unfortunately it didn't rise to the level of statewide importance, therefore it was deferred.

"We have many important matters, especially given out budget situation that we must take up. And quite frankly, I don't see how this issue rises to the level of a recall. Thank you."

Representative Marumoto rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, I rise in favor of the motion. I will support a motion to recall as I have done in several instances, mainly because as a Minority member we are not Chairs. We do not determine what bills get heard. We don't hear many of the bills that are introduced in this House. When there is a motion to yank a bill out of Committee, it's because there is an interest on the part of a number of Members of this House.

"This particular bill I would claim is more than of local importance. I think it is of national importance. And I think the eyes of the country are on us today. I would sincerely hope that we are able to discuss this measure on the Floor. Thank you."

Representative Evans rose to speak in opposition to the motion to recall, stating:

"I stand in opposition to the recall. Mr. Speaker, the wonderful thing is we have the process. And the process was a hearing and an opportunity to bring up something which is a new idea. It was the first time this idea has been brought forward. And as many ideas that we have here at the Legislature, sometimes it takes several years to flush out the pros and cons, and talk to people. Maybe get this whole issue out statewide. All those planned community associations that are around the State probably don't even know we're having this discussion today.

"So it's not uncommon that we have these bills that take several years to talk about why we do them. Why we don't do them. What are all the unintended consequences? So I support the Chair and I oppose the recall. Thank you."

Representative Rhoads rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, in opposition to the motion. I just wanted to point out that, and maybe this is already clear to everyone, but the Chair of the Housing Committee is a Lieutenant Colonel in the Army. Let me repeat that. She's a Lieutenant Colonel in the Army. It's not like the proponents of this measure got a Chair who is you know, a 'pinko commie liberal' who doesn't care about her country. She's given much of her life to the service of the country and I think that should be noted. Mahalo."

Representative Saiki rose, stating:

"Mr. Speaker. Could the Chair please remind the Gallery that there is a level of decorum required in this Chamber?"

Speaker Say: "Yes. Thank you very much for reminding me."

Representative Takumi rose, stating:

"Thank you, Mr. Speaker. That was going to be my point as well."

Representative Tokioka rose, stating:

"Yes, Mr. Speaker. May I get a point of clarification? The motion on the Floor is to recall the bill, correct?"

Speaker Say: "Yes. House Bill 2311."

Representative Tokioka: "If that motion does pass, then the Members of the House of Representative will have an opportunity to have discussion, am I correct?"

Speaker Say: "Correct."

Representative Tokioka: "Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Yes, just in rebuttal, Mr. Speaker. You know I too started this Legislative Session thinking that I was focusing on statewide importance issues. Homelessness, housing, the State Budget, taxes. And sometimes we recall bills like this because sometimes some people don't think bills are as important, but they are to some people.

"We talk about process. There is a process. You take one to two years to pass a bill, it was said earlier. The veteran that I'm recalling this bill for was away from his five kids, his wife, when he was in Iraq. And we want to tell him to wait another year because this bill was killed in the Housing Committee? That is why this bill is so important, because his voice was not heard. To take away this right to pass this recall of House Bill 2311 to the veterans in the Gallery is like taking away air from their lungs.

"We go to other countries, that's why they're here today, House Bill 2311, to recall this bill to the Floor, because they believe that this bill is of statewide importance. Never do they put the flag in the back of everything else. It is always in the front to them. So to say that this is not part of the process, this is part of the process, Mr. Speaker. That is why democracy is so great. If a issue gets lost somewhere in this busy place by people who don't have paid professional lobbyists to come here, this recall gives another chance for all of us to discuss what's important.

"Sure the budget is important. Of course, none of these people are saying that it's not. Homelessness is important. None of these people are saying that it's not. Education is important. None of these people are saying it's not. They just want to say it's also important to love your country, and to recall this bill so we can show that we love our country by flying an American flag or a Hawaii State flag, which has been approved by the our federal government as well as our State government, to represent us."

At this time, the Chair stated:

"Thank you, very much. A lot of discussion has occurred.

"Would the people in the Gallery please try to control your emotions on this particular debate going on. I believe this the legislative process where we have democracy. The process is a motion for a recall of a measure like any others.

"At this time we've had a lot of discussion, but the Chair will allow the Majority Leader for his comments."

Representative B. Oshiro rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, I rise in opposition to the motion. And I will stick just to the procedures of this. Actually first, let me say that I don't think there's any question that the people in this Body love their country. I don't think that's what the issue is about. The issue is about again, the procedure.

"Under our House Rules we already have a procedure under Rule 11 whereby any Member can request that other Members of their Committee, a majority of the Committee can then petition the Chair to move the bill.

"Contrary to what the Representative from Ewa said, the bill was not killed. The bill was deferred. There is a wide and very, very big difference between a deferral and a hold. A hold kills the bill. A deferral does not. And a deferral means that there is an opportunity for the bill to continue to move if there is a way for the bill to be fixed.

"I would contend in my review of the bill without getting into the substance, that unfortunately that bill is substantially and fatally flawed because it does not achieve what the proponents are seeking to do. Unfortunately they've been mislead into this swirl of belief ..."

Representative Pine rose, stating:

"Mr. Speaker. Point of personal privilege. I am personally offended."

Speaker Say: "He's stating for the record about correcting the errors and mistakes that you are alluding to. The Chair will allow the Majority Leader to continue."

Representative Pine: "There are no errors in this Bill. It was written just like the Clothesline Bill that we passed out of this Body."

Speaker Say: "Representative Pine, you are out of order. Representative Pine, you are out of order. Please sit. Representative Blake Oshiro, please proceed."

Representative B. Oshiro continued, stating:

"Again, without getting into the merits, and if we ever do get to the merits, I can point out those flaws because contrary to her opinion, it wasn't written the same. There are flaws in the bill and that is why I think a deferral was appropriate. The Housing Chair did need to take a further look and deeper study into this issue. And I think she will be doing so. I've talked with her and I believe that any Member here, if they believe that this issue rises to that statewide importance. If they believe that this issue is that important, my recommendation is not to drag 100 people down here, but work with the person that's 10 feet away from you. All you need to do is discuss what your issue is ..."

The Chair addressed Representative Pine, stating:

"Representative Pine, for what purpose do you rise?"

Representative Pine: "Mr. Speaker. I did try to work with the person 10 feet away from me, and she said she is not passing this bill."

Speaker Say: "Representative Pine, you are out of order at this point. Representative Blake Oshiro, please proceed and summarize."

Representative B. Oshiro continued, stating:

"All I'm saying is there are other ways that this bill can continue to move. There is the re-referral process. There are other things that can be done procedurally.

"This bill was not killed. It was deferred. There is the opportunity for it to continue to be worked on, discussed and debated if people are willing to read their rules, understand the procedures, and work through our internal democratic process that exits. If they are not and they want to recall the bill and politicize it, then at that point what they've done…"

The Chair addressed Representative Thielen, stating:

"Representative Thielen, for what purpose do you rise?"

Representative Thielen: "Mr. Speaker. I rise because I'm offended by that too."

Speaker Say: "Representative Thielen, you're out of order. Please."

Representative B. Oshiro: "Mr. Speaker. Mr. Speaker, if people would read their Mason's …."

Speaker Say: "Representative Thielen, you are out of order."

Representative Thielen: "Mr. Speaker, we are not trying to politicize it. We are trying to say that the American flag deserves as much respect as clotheslines."

Speaker Say: "Representative Thielen, you are out of order at this point. Please sit down, please. Representative Thielen, you're out of order."

Representative B. Oshiro continued, stating:

"Mr. Speaker, if people would read their Mason's Section 223, it will define a personal privilege for them exactly. The two people that have risen on a personal privilege did not qualify for that.

"Again, I was near the completion of my speech. Again, there is a potential for this to move. There is a potential for this to continue to be discussed. However, what needs to happen is an internal working and people actually coming forth and expressing their opinion. And that can continue to be done without this having to be recalled. Thank you."

The Chair then stated:

"At this point, a roll call has been requested. For those who support a roll call vote, prior to the recall vote, please raise your right hand."

Representative Takai rose to speak in support of the motion to recall, stating:

"Mr. Speaker. Before we do that, can I ask permission to insert comments in support of the motion, please? Thank you."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to allow the use of flag poles to display the flag of the United States or of the State on the premises of a single-family residential dwelling. This bill would also include reasonable restrictions on the use of flag poles for aesthetic purposes.

"Displaying a flag is a form of expressing a thought, belief or feeling. As Americans, we have the right to freedom of speech, which I believe includes non-verbal communication. Every citizen should have the right to display the Nation's flag at their home

"Countless lives were sacrificed for the freedoms we enjoy today. I believe it would be absolutely disrespectful to not allow veterans and their families to express their patriotism. For these reasons I support this measure and urge my colleagues to do the same. Thank you."

The request of roll call was put to vote by the Chair and upon a show of hands, the request was not granted.

At this time, the Chair stated:

"At this time, Members of the House, there is no need for a roll call vote. It did not meet the requirements of the roll call vote. Members, so at this time, may we proceed on.

"For the veterans who are here this afternoon, this is a democratic process that you have just seen. I would hope that if you would look at our House Rules which states that some day if elected officials like you are a Chair of a committee and you've had your public hearing without any testimony for or against, it is in the wisdom of the Chair to make that decision.

"The process is open, and like what the Majority Leader has stated, it is very transparent in getting your ideas across to the legislative body here. I say to all you, there is still this year to address this issue and also during this interim period. I truly wish, like I told the Representative from Ewa Beach, that if there was a companion bill in the Senate, this House would have entertained it also. Was there a companion bill, Members of this House?"

Representative Pine rose, stating:

"Mr. Speaker. Point of information. You are spreading information as if there was no testimony in support of this bill, but there was, Mr. Speaker."

At 1:42 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:44 o'clock p.m.

(Main Motion)

The Chair then announced:

"At this time Members, we will be having a vote. A vote on the motion to recall House Bill 2311, because it has been moved by Representative Pine and seconded by Representative Thielen, that House Bill 2311, be recalled from the Committee. All those in favor, please raise your hand at this time for the recall motion."

At this time the motion to recall H.B. No. 2311, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," from the Committee on Housing, was put to vote by the Chair and upon a show of hands failed to carry. (Representatives Berg, M. Oshiro and Souki were excused.)

Representative Finnegan rose and stated:

"Mr. Speaker, I'd like to move if we could re-refer the bill to a single committee."

Representative Pine: "I second the motion."

Speaker Say: "There is a process that we go through right now where the Chairs who are affected by this measure would have to do that with an application."

At 1:45 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

At this time, the Chair stated:

"I would like to correct the Minority Leader that the bill is not before this Body, and if there is any motion or request for a re-referral, it could be done and we'll be discussing it after Session."

Representative Pine rose, stating:

"I rise on a point of personal privilege. I just want to personally apologize. I'm sorry to Members of this Body that are upset today because we pulled this bill or attempted to pull this bill. You know I came here to change government, but sometimes along the way there are people that you meet when you work here that changes you. I never understood why this issue was so important to my grandpa, or to my husband, until now. And I want to thank the Majority Leader for letting these veterans know that there is still a chance. So today is the first day of their next battle, and they have until the end of April to convince all of us this is important."

Representative Cabanilla rose, stating:

"I would request for the same point of personal privilege, Mr. Speaker. I would like to say that the deferral of the HB 2311 is not the death of the issue. There will be a resolution because I believe that this matter is best served by a resolution. Where in that resolution would ask for a task force composed of members of planned community associations, residents, veterans, veteran's organizations, and anybody that would like to be on the task force.

"This is not a simple matter, Mr. Speaker. And I, as a veteran of 23 years in the Army, am very concerned about these protocols in giving the flag its proper place. The dignity and honor that is shown to that flag. I have no doubt that those veterans up in the Gallery will follow those protocols. However, the laws that we pass this Session in these halls will affect every citizen that lives in community associations.

"I think that we owe it to the whole State for them to hear this initiative and let them come forward and have a say. The way to do that, Mr. Speaker, is through a task force. We cannot blindside all those residents in community associations, and this bill is not stopping anyone from flying the flag."

Representative Thielen rose, stating:

"Mr. Speaker, that seems to be going quite far from a personal privilege, and it's more a speech and an excuse. You didn't ask veterans to wait and have a task force before they're allowed to serve."

Speaker Say: "Representative Thielen, you are out of order please. Representative Thielen you are out of order. Representative Cabanilla, will you just summarize your remarks in regards to your personal privilege?"

Representative Cabanilla continued, stating:

"Yes. I think that the better way to handle this is not through a bill, but through a resolution asking for a task force that all those people concerned, veterans and members of the community associations will come forward."

Speaker Say: "You are not stating why you are aggrieved by stating that declaration, Representative Cabanilla. So you are out of order."

Representative Cabanilla: "I apologize, Mr. Speaker. Thank you."

At 1:51 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 428-10) recommending that H.B. No. 674, as amended in HD 1, be recommitted to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was recommitted to the Committee on Hawaiian Affairs, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 429-10) recommending that H.B. No. 40, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was recommitted to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 430-10), recommending that H.C.R. No. 17, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII AT HILO'S COLLEGE OF PHARMACY IN ITS EFFORTS TO OBTAIN FEDERAL FUNDING TO ESTABLISH A BEACON COMMUNITY ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented six reports:

(Stand. Com. Rep. No. 431-10), recommending that H.C.R. No. 21, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 432-10), recommending that H.C.R. No. 22, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 433-10), recommending that H.C.R. No. 23, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 434-10), recommending that H.C.R. No. 24, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 435-10), recommending that H.C.R. No. 25, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 436-10), recommending that H.C.R. No. 26, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.C.R. No. 21, H.C.R. No. 22, H.C.R. No. 23, H.C.R. No. 24, H.C.R. No. 25, and H.C.R. No. 26, be referred to the Committee on Finance, Seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measures with reservations, stating:

"Please note my reservations on 431 and also on the next bills on page 5."

Representative Shimabukuro rose to speak in support of the measures with reservations, stating:

"Same request. I have reservations on all those."

Representative Hanohano rose to speak in support of the measures with reservations, stating:

"Same reservations on 433 to 436."

Representative Awana rose to speak in support of the measures with reservations, stating:

"Thank you, Mr. Speaker, the same request."

Representative Har rose to speak in support of the measures, stating:

"Mr. Speaker, in support. Very quickly for all of the Stand. Com. Reports No. 431 through Stand. Com. Reports No. 436. Mr. Speaker, these Resolutions were a result of a bill that was passed last year that was approved by this Body, also known as the Ceded Land Settlement.

"Mr. Speaker, what originally was Senate Bill 1677 eventually became Act 176, and in Conference Committee, unfortunately, some additional lands got thrown into that bill, which included non-ceded public lands. As a result now for example, the HHFDC, the Hawaii Housing Finance and Development Corporation, because of their lien right in certain properties, they now do not have the ability to resell these affordable units to families who would qualify for affordable housing because of that Act.

"There were very serious unintended consequences that occurred because of Act 176. As a result, these were non-ceded public lands. For the record, those standing with reservations should note that OHA fully supported these Resolutions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPA'A, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 437-10), recommending that H.R. No. 31, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 438-10), recommending that H.C.R. No. 72, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 31, HD 1, and H.C.R. No. 72, HD 1, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Takai rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Yamane rose to speak in opposition to both measures, stating:

"Mr. Speaker, standing in opposition of Stand. Com. Rep. Nos. 437-10 and 438-10. Brief comments, Mr. Speaker. Testimony by the Department of Health stated that, and this is a quote, "Milk in Hawaii, meets and follows all guidelines, rules and interpretations regarding the safety of the milk. Temperature controls, and the required written records are in place that assure that the temperature and integrity of the milk is maintained 100% of the time from when it leaves the dairy farm on the mainland until it gets to the milk plant in Hawaii."

"Mr. Speaker, these resolutions are unnecessary. I think it'll have negative consequences to our local dairies and local producers. Mr. Speaker and Members, I want you to know that the Hawaii Farm Bureau testified in opposition also stating that the US State Department of Agriculture, the Food and Drug Administration, the State Department of Health, and the Federal Department of Health and Human Services, all monitor and ensure the safety of the milk. Mr. Speaker and Members, I just want you to remember that it's a fragile industry that has suffered greatly over the past few years. I think this measure is counterproductive and unfair to dairies and local producers. Thank you."

Representative Rhoads rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Wooley rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, I rise in support. This is not my resolution, but we did hear it in the Agriculture Committee. During the hearing, there was actually nobody who showed up in opposition to the resolution, but only testimony in support of it.

"There were serious concerns that were raised, primarily about spoilage and bacteria. Not actual safety concerns, and that's why we revised the language, so that it would also focus on labeling requirements. I think that we're actually most concerned about the local dairies, because they are at a disadvantage compared to a lot of the mainland companies. And at the same time the consumers are not necessarily getting the right information, because the freshest milk is coming from Hawaii, whereas the milk that is imported from across the country may have been in storage for over a month and retreated once it gets to Hawaii. So there are some serious issues that we want to make sure that the consumers have the right information and we address the safety concerns. So we're looking forward to this moving forward and having more discussion. Thank you."

Representative Brower rose to speak in support of both measures, stating:

"Mr. Speaker, in support. I probably could use the help of the people in the Gallery if they were here. I have some questions about the quality of milk imported in Hawaii. And while these resolutions aren't perfect, it does bring up a good point. The intention of these resolutions is to protect the local dairies and to draw distinctions between the local dairies' milk and that imported. Because we believe that imported milk takes 25 to 30 days to come here from the mainland and that's what the intention of this was. Thank you."

Representative Hanohano rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative McKelvey rose to speak in opposition to both measures, stating:

"Thank you very much, Mr. Speaker. In opposition. And just for everybody's edification, just because something is expired, that doesn't mean it's bad or dangerous. Yogurt, which many of us eat today, is created from milk that has gone past its date and has curdled. It's the same for cheese and the same with sour cream, which people have on their potatoes every day.

"One of the testimonies that was most poignant was that when the milk starts to cure, it actually prohibits the growth of pathogens in the milk. So it's a complicated science. I think this is more of a quality issue. It's not a safety issue, and that's the reason why I oppose the resolutions as they're worded. Thank you."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. First I'd like the words of the Representative from Mililani, as well as the words of the Representative from Lahaina entered into the Journal as if they were my own. And I'd like permission to insert written comments in opposition.

"Thank you. I just wanted to mention just a few things. I am in public health. I got my Masters in Public Health, I'm a Preventive Medical Officer in the military. The reason why I'm concerned about these two resolutions is that I think we're putting focus on something that really doesn't need to have any attention placed on it. By doing this, Mr. Speaker, I think we send a very strong message out to the community, and the message is not a good one for our milk industry and for milk. I have talked to the introducers of these two measures, and I asked them, if they are so concerned about it, whether they would consider just writing a letter with the last "Be it resolved," or the second to last "Be it resolved," in the letter, requesting some guidance from the US Department of Agriculture and other people on the mainland that have this expertise.

"It is true; no one came to the hearing and testified against the measure. It is not true to say that no one testified against the measure, and there's a big difference, in the eyes of the Vice Chair, I understand that. But in my eyes, written testimony in opposition from the Department of Agriculture and the Department of Health and from a few other people, is testimony against the measure.

"So I caution our Members and I really urge them to take a look at this, because my biggest concern is that we send a signal, not only to our residents here in Hawaii, but residents throughout the nation, that Hawaii is looking at their milk situation.

"And by the way Mr. Speaker, the fact that our milk takes so long to come from the mainland is not a reason to be concerned. There are many milk products, including milk itself, sitting on shelves for months. Next time you go to a grocery store, do us a favor and look at the milk products. I'm not even going down the road of yogurt and all those, but just the milk products. And look at the expiration dates of those products on the shelves. We're worrying about something, Mr. Speaker, that I fear will turn into something much greater than what these two measures attempt to address. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in opposition of these measures. Present regulations and practices on pasteurized milk shipped to Hawaii from the mainland already protect human health. To my understanding, the State Milk Control Act only deals with the financial interests and rules of commerce between the dairy farms and milk plants through a quota system, and the amount of milk exported/imported into and out of the State.

"The Act is not the only relevant law. The United States Public Health Services (USPHS) and the U.S. Food and Drug Administration's (FDA's) recommend Grade "A" Pasteurized Milk Ordinance (PMO) is the basic standard governing the processing, packaging, and sale of grade "A" milk and milk products. Hawaii is a voluntary participant of the National Conference on Interstate Milk Shippers (NCIMS) program and uses the current PMO.

"The PMO is incorporated by reference in Federal specifications for procurement of milk and milk products and is recognized by the Public Health Agencies, the milk industry, and many others as the national standard for milk sanitation. In practice, the shipping of bulk milk from the mainland and the subsequent re-pasteurization and packaging of the milk in Hawaii meets and follows all guidelines, rules and interpretations regarding the safety of the milk.

"Temperature controls, and the required written records are in place that assure that the temperature and integrity of the milk is maintained 100% of the time from when it leaves the dairy farm on the mainland until it gets to the milk plant in Hawaii. Every single bulk tank of milk is temperature checked and recorded by the milk plant. All bulk shipments that arrive to the local milk plant are rejected if the temperature of the milk is above 45 degrees Fahrenheit. All holding and processing temperatures of every drop of milk in production can be traced due to strict record keeping requirements.

""Spoiled" milk is not defined, and even taken in lay sense; "spoiled" milk is a quality issue and not a safety issue. Spoilage organisms are typically not pathogenic or disease causing and merely cause the milk to go sour, as in yogurt or buttermilk. In fact, pathogenic organisms have difficult time competing with spoilage organisms because as the milk goes sour, the pH lowers (becomes more acidic) and the milk actually becomes safer from that standpoint of pathogen growth.

"For these reasons I oppose this measure and urge my colleagues to do the same. Thank you."

Representative B. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. Very briefly, I will reserve all of my supportive comments until these resolutions actually reach its near final stages since it's continuing on to Consumer Protection & Commerce and if at that time it continues to move, and if at that time it becomes an official resolution, then at that point I will have further comments. Thank you."

Representative Yamane rose to respond, stating:

"Rising in opposition for the second time. I do understand this is a resolution and it will go to the next Committee, which I hope will have the insight to understand the impact of this bill.

"But I wanted to rise to clarify a few things. Again …"

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. Just to correct the prior speaker, it's not a bill. It's a resolution."

Representative Yamane continued, stating:

"Excuse me for that. I'm no lawyer so I get those two mixed up. And I don't get paid very well. But on a serious note, these resolutions, Majority Floor Leader …"

Speaker Say: "Majority Leader."

Representative Yamane: "Majority Leader. Excuse me. I'm just digging a hole.

"But in all seriousness again, if this was a health and safety issue, these resolutions then should have been referred to the Committee on Health if there was an issue about safety regarding the standards and the quality of milk. Please understand that milk that is brought here locally from places like Meadow Gold Dairies who also does Foremost, are brought here and repasteurized here, unlike some of the other milks that are brought straight and placed into the supermarkets.

"Mr. Speaker, these resolutions are not addressing the issue about safety. This impacts our local dairies, our local employees, our local unions like Teamsters that actually negotiated their contract with Meadow Gold. This affects local people, local jobs.

"So you can fool yourself by saying this is an issue of standard of quality, okay. But Members just be aware that this is impacting and targeting dairies by saying that they're unsafe. What's next, Mr. Speaker? Milk is brought over in temperature-controlled canisters. What are we going to do next? Let's monitor water. What about air as was mentioned earlier. Thank you, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Har rose in opposition to both measures and asked that the remarks of Representatives McKelvey, Yamane and Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of both measures with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations of H.R. 31 – which urges the United States Department of Health and Human Services and to ascertain the safety of repasteurized unrefrigerated milk shipped to Hawaii from the Mainland.

"The health of our State's citizens is an important matter. It is vital that there is no bacterial matter in our shipped milk, however, based on a study by the Department of Health that looked at shipped pasteurized milk, they found that "milk in Hawaii meets and follows all guidelines, rules and interpretations regarding the safety of milk." Not only is the Department of Health opposed to this measure, the Department of Agriculture and the Farm Bureau have also expressed reservations regarding this bill. Thank you."

Representative Ito rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Awana rose in opposition to both measures and asked that the remarks of Representatives Takai, McKelvey and Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Chang rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Sagum rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Karamatsu rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Belatti rose to speak in support of both measures with reservations, stating:

"Thank you, just note my reservations and as a member of the CPC Committee, I look forward to some interesting debate there. Thank you."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Yes, reservations and I will look for this in CPC. Thank you."

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

Representative Ward rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 31, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was referred to the Committee on Consumer Protection & Commerce, with Representatives Awana, Chang, Finnegan, Hanohano, Har, Ito, Karamatsu, McKelvey, Rhoads, Sagum, Takai, Ward and Yamane voting no, and with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was referred to the Committee on Consumer Protection & Commerce, with Representatives Awana, Chang, Finnegan, Hanohano, Har, Ito, Karamatsu, McKelvey, Rhoads, Sagum, Takai, Ward and Yamane voting no, and with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Chang, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 439-10) recommending that H.R. No. 9, be adopted; and

(Stand. Com. Rep. No. 440-10) recommending that H.C.R. No. 18, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 9, and H.C.R. No. 18, be adopted, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of these resolutions. The purpose of these resolutions is to proclaim strong support for the Cancer Research Center of Hawaii.

"It is estimated that 1,300,000 people in the United States will be diagnosed with cancer this year. It is also estimated that 5,000 of these individuals will be from Hawaii. The mission of the Cancer Research Center of Hawaii is to reduce the burden of cancer through research, education and outreach. Its emphasis has been on the unique ethnic, cultural and environmental characteristics of Hawaii and the Pacific.

"The Cancer Research Center of Hawaii is one of only sixty-five National Cancer Institute designated centers in the United States. It is the only designated cancer center in Hawaii. A state-of-the-art cancer research facility in Hawaii will not only benefit our citizens, but will also attract and retain top tier researchers, physicians and students to the State.

"Our citizens deserve first-class, state-of-the-art care that is delivered in these islands by researchers and health care professionals who have a constant eye on our own people. For these reasons, I support these measures and urge my colleagues to do the same. Thank you."

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.R.9 and H.C.R.18, Relating to the Cancer Research Center of Hawaii. In November of 2009, the University of Hawaii announced plans to build a new cancer research facility in Kakaako, with construction expected to begin this year. Mr. Speaker, even during these tough economic times we must find the means to support noteworthy causes and potentially life-saving programs. We do this for the millions who suffer from this devastating disease and the millions of lives that have been impacted by the loss of a loved one, not only in Hawaii but around the world.

"Hawaii has the rare opportunity to be at the forefront of innovative and cutting-edge cancer research, being that it is one of only 65 National Cancer Institute designated centers in the United States. The future facility in Kakaako will more than pay for itself through research grants and by attracting more of the best and brightest to our State. No longer will residents have to travel to receive treatment, it is my hope that in the near future people will travel to Hawaii because of the advances made by the Center here.

"Mr. Speaker, as you are aware, this is an issue that I am very passionate about because of the recent death of my father, due to his prolonged fight with pancreatic cancer. As his caretaker, not only was it heartbreaking to see him go through a losing battle, but frustrating as a legislator, not to be able to do anything about it.

"For these reasons, I strongly support these resolutions and urge the University of Hawaii to start construction of the new Center as soon as possible. Thank you, Mr. Speaker."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Stand. Com. Reports 439 and 440, I request a ruling on potential conflict. At my law firm, my law firm represents somebody that is contesting and in litigation with UH over this Center but I'm not involved on that case," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 441-10) recommending that H.R. No. 26, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 442-10) recommending that H.C.R. No. 67, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

THIRD READING

H.B. No. 2546:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2546, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Third Reading by a vote of 45 ayes, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

At 2:10 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2546

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 46 through 51) and concurrent resolutions (H.C.R. Nos. 95 through 100) were referred to Printing and further action was deferred:

H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE AN ENVIRONMENTAL ASSESSMENT FOR ANY PROJECT OR POTENTIALLY HARMFUL ACTION THAT WOULD NEGATIVELY IMPACT THE NATURAL RESOURCES OF HAWAII KAI DRIVE WETLAND AND SPRING AND THE HAWEA HEIAU AREA IN HAWAII KAI, OAHU," was jointly offered by Representatives Berg, C. Lee, Belatti and Hanohano.

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO RECOGNIZE THE EXECUTIVE DEPARTMENT THAT MAKES THE GREATEST REDUCTION IN ENERGY CONSUMPTION," was offered by Representative Wooley.

H.R. No. 48, entitled: "HOUSE RESOLUTION ENCOURAGING ALL BUSINESSES AND COMMERCIAL ESTABLISHMENTS IN THE STATE OF HAWAII TO CONSERVE ENERGY BY TURNING OFF ALL LIGHTS AFTER BUSINESS HOURS," was offered by Representative Wooley.

H.R. No. 49, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY OF HONOLULU TO HONOR ACT 15 OF THE 1921 TERRITORIAL LEGISLATURE BY PRESERVING THE WAIKIKI WAR MEMORIAL NATATORIUM IN ITS ORIGINAL LOCATION ON THE WAIKIKI SHORE," was jointly offered by Representatives Ching, Hanohano, Marumoto, Chang, Finnegan, Herkes, Pine and Ward.

H.R. No. 50, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE DIRECTOR OF HEALTH TO SUPPORT ADEQUATE FUNDING FOR THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ching, Aquino, Hanohano, Morita, Chang, Finnegan, Herkes, M. Lee, Pine and Ward.

H.R. No. 51, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND OTHER STATE AGENCIES RECOGNIZE THE IMPORTANCE OF AND ASSIST IN THE PRESERVATION OF THE NU`UANU `AUWAI SYSTEM," was jointly offered by Representatives Ching, Hanohano, Marumoto, Aquino, Chang, Finnegan, Herkes, M. Lee, Morita, Pine and Ward.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE AN ENVIRONMENTAL ASSESSMENT FOR ANY PROJECT OR POTENTIALLY HARMFUL ACTION THAT WOULD NEGATIVELY IMPACT THE NATURAL RESOURCES OF HAWAII KAI DRIVE WETLAND AND SPRING AND THE HAWEA HEIAU AREA IN HAWAII KAI, OAHU," was jointly offered by Representatives Berg, C. Lee, Belatti and Hanohano.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO RECOGNIZE THE EXECUTIVE DEPARTMENT THAT MAKES THE GREATEST REDUCTION IN ENERGY CONSUMPTION," was offered by Representative Wooley.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL BUSINESSES AND COMMERCIAL ESTABLISHMENTS IN THE STATE OF HAWAII TO CONSERVE ENERGY BY TURNING OFF ALL LIGHTS AFTER BUSINESS HOURS," was offered by Representative Wooley.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY OF HONOLULU TO HONOR ACT 15 OF THE 1921 TERRITORIAL LEGISLATURE BY PRESERVING THE WAIKIKI WAR MEMORIAL NATATORIUM IN ITS ORIGINAL LOCATION ON THE WAIKIKI SHORE," was jointly offered by Representatives Ching, Hanohano, Marumoto, Finnegan, Herkes, Pine and Ward.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE DIRECTOR OF HEALTH TO SUPPORT ADEQUATE FUNDING FOR THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ching, Aquino, Hanohano, Morita, Chang, Herkes, M. Lee, Pine and Ward.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND OTHER STATE AGENCIES RECOGNIZE THE IMPORTANCE OF AND ASSIST IN THE PRESERVATION OF THE NU`UANU `AUWAI SYSTEM," was jointly offered by Representatives Ching, Hanohano, Marumoto, Aquino, Chang, Finnegan, Herkes, M. Lee, Morita, Pine and Ward.

ADJOURNMENT

At 2:10 o'clock p.m. on motion by Representative Evans, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon Friday, February 26, 2010. (Representatives Berg, Chang, M. Lee, Nishimoto, M. Oshiro, Pine, Sagum and Souki were excused.)

TWENTY-FIRST DAY

Friday, February 26, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Alan Urasaki of the Honpa Hongwanji, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Souki, Thielen and Tokioka, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 180 through 191) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 180, dated February 11, 2010, transmitting the Hawaii Housing Finance & Development Corporation 2009 Annual Report.

Gov. Msg. No. 181, dated February 12, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Section 24, Act 162, Session Laws of Hawaii, 2009, Requiring the Department of Health to Prepare a Detailed Report on Expenditures for Chronic Disease Management and Control.

Gov. Msg. No. 182, dated February 12, 2010, transmitting the Governor's reports pursuant to Sections 88, 90, 91, 92, 93, 94, 95, 97, 99, 101, 102, 106, 107, 108, 109, 112, 113, 114, 117, 119, 120, 121, and 131 of Act 162, SLH 2009, the General Appropriations Act of 2009.

Gov. Msg. No. 183, February 12, 2010, transmitting the Governor's reports pursuant to Sections 14, 18, and 23 of Act 67, SLH 2009, Relating to the Budget.

Gov. Msg. No. 184, dated February 12, 2010, transmitting the Director of Finance's reports pursuant to Sections 115 and 134 of Act 162, SLH 2009, the General Appropriations Act of 2009.

Gov. Msg. No. 185, dated February 9, 2010, transmitting the enclosed joint Report from the Department of Transportation and the Department of Health on Act 72, Session Laws of Hawaii 2005; the report relates to the Graduated Provisional Driver Licensing Program.

Gov. Msg. No. 186, dated February 9, 2010, transmitting the Interim Progress Report from the Department of Transportation on Act 54, Session Laws of Hawaii 2009; the report relates to the Complete Streets Task Force.

Gov. Msg. No. 187, dated February 9, 2010, transmitting the Final Report from the Department of Transportation on Act 232, Session Laws of Hawaii 2008; the report relates to Pedestrian Safety.

Gov. Msg. No. 188, dated February 9, 2010, transmitting the Annual Report from the Department of Transportation on Sections 264-18, Hawaii Revised Statutes; the report relates to Bikeway Projects and Expenditures.

Gov. Msg. No. 189, dated February 9, 2010, transmitting the Annual Report from the Department of Transportation on Section 264-19(e), Hawaii Revised Statutes; the report relates to the Transportation Improvement Special Fund.

Gov. Msg. No. 190, dated February 9, 2010, transmitting the Report to the Hawaii State Legislature Regular Session 2010, Pursuant to Act 172, SLH 2009, Relating to Public Accountancy.

Gov. Msg. No. 191, dated February 12, 2010, transmitting the Hawaii Ocean Resources Management Plan 2009 Annual Report.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 60 through 62) were received by the Clerk and were placed on file:

Dept. Com. No. 60, dated February 10, 2010, from Chiyome Leinaala Fukino, M.D., Director of Health, Department of Health, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, pursuant to Act 100, Section 334, Session Laws of Hawaii, 2009, Requiring the Department of Health to Submit an Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital.

Dept. Com. No. 61, dated February 17, 2010, from Scott T. Nago, Chief Election Officer, Office of Elections, transmitting Addendum E to RFP-10-001-SW, issued February 16, 2010, in accordance with Sections [*sic*] 56 of Act 162, Session Laws of Hawaii 2009, which requires the transmission of procurement documents, within five (5) working days of being open to the public.

Dept. Com. No. 62, dates February 19, 2010, from Waynette K.Y. Cabral, Executive Administrator, and Rosie Rowe, Chair, State Council on Developmental Disabilities, transmitting their comments and recommendations pertaining to the Department of Health Developmental Disabilities' Division budget, as determined by the Ad-Hoc Committee.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 9 and 10) were received by the Clerk and were placed on file:

Misc. Com. No. 9, from Dean I. Hazama, Chair, Mililani Mauka/Launani Valley Neighborhood Board No. 35, transmitting a Resolution in Support of State of Hawaii Constitution Amendment Ballot Initiatives Regarding Appointment of the Superintendent of the Department of Education and the Roles and Responsibilities of the Board of Education, which was adopted on February 16, 2010.

Misc. Com. No. 10, from Dean I. Hazama, Chair, Mililani Mauka/Launani Valley Neighborhood Board No. 35, transmitting a Resolution in Support of Completion of the University of Hawaii West Oahu.

INTRODUCTIONS

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

Representative McKelvey introduced friends from Maui, Ms. Donna Domingo, Vice-President of the ILWU, and Mr. Sandy Baz, Executive Director of the Maui Economic Opportunity, Inc.

Representative Keith-Agaran introduced pageant winners from Maui accompanied by their chaperones, Ms. Jude Huber and Ms. JoAnn Tanaka:

Ms. Michela Moe, Miss Maui;
Ms. Jocelyn Belden, Miss Ulalena; and
Ms. Maya Iida, Miss Kahului.

At 12:11 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. No.	Re-referred to:
2311, HD1	Committee on Housing

S.B. No.	Re-referred to:
1315, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

At this time, the Chair announced:

"Members, please note that House Bill No. 2298, House Draft 1, has been re-referred solely to the Committees on Transportation and Water, Land, and Ocean Resources per Committee Referral Sheet Number 30 that was issued on February 18. The Committee on Finance waived its referral to this measure and therefore it is appropriate for the House to consider action for passage on Third Reading."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.B. No. 2298, HD 1. (Representatives Bertram, Souki, Thielen and Tokioka were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved to reconsider action taken pursuant to the recommendation contained in Standing Committee Report No. 131-10, recommending referral to the Committee on Finance, seconded by Representative Evans.

The Chair then addressed Representative Coffman, stating:

"Representative Coffman, what was the original motion before this Body?"

Representative Coffman responded, stating:

"Reconsideration, Mr. Speaker."

Speaker Say: "No. It was to suspend the rules for the reconsideration."

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 131-10, recommending referral to the Committee on Finance. (Representatives Bertram, Souki, Thielen and Tokioka were excused.)

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering certain House Bills and a Senate Bill for Third Reading by consent calendar. (Representatives Bertram, Souki, Thielen and Tokioka were excused.)

THIRD READING

H.B. No. 2298, HD 1

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

At 12:32 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2298, HD 1

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 443-10), recommending that H.C.R. No. 44, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 444-10), recommending that H.C.R. No. 45, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR BEACH ACCESS RIGHT-OF-WAY PURPOSES," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 445-10), recommending that H.C.R. No. 46, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 446-10), recommending that H.C.R. No. 27, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report

(Stand. Com. Rep. No. 447-10), recommending that H.C.R. No. 28, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 448-10), recommending that H.C.R. No. 29, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 449-10), recommending that H.C.R. No. 30, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 450-10), recommending that H.C.R. No. 31, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 451-10), recommending that H.C.R. No. 32, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 452-10), recommending that H.C.R. No. 33, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 453-10), recommending that H.C.R. No. 34, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 454-10), recommending that H.C.R. No. 36, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 455-10), recommending that H.R. No. 30, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 30, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 456-10), recommending that H.C.R. No. 71, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 457-10), recommending that H.R. No. 8, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 8, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 458-10), recommending that H.C.R. No. 14, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was referred to the Committee on Finance, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 459-10), recommending that H.C.R. No. 56, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Legislative Management, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 460-10) recommending that H.R. No. 29, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," was adopted, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 461-10) recommending that H.C.R. No. 70, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," was adopted, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 462-10) recommending that H.B. No. 2922, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 462-10 on H.B. No. 2922, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2922, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 463-10) recommending that H.B. No. 2354, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 463-10 on H.B. No. 2354, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2354, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 464-10) recommending that H.B. No. 2897, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 464-10 on H.B. No. 2897, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2897, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 465-10) recommending that H.B. No. 2548, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 465-10 on H.B. No. 2548, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2548, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 466-10) recommending that H.B. No. 2349, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 466-10 on H.B. No. 2349, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2349, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 467-10) recommending that H.B. No. 2575, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 467-10 on H.B. No. 2575, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2575, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 468-10) recommending that H.B. No. 2086, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 468-10 on H.B. No. 2086, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2086, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 469-10) recommending that H.B. No. 2284, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 469-10 on H.B. No. 2284, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2284, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 470-10) recommending that H.B. No. 2383, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 470-10 on H.B. No. 2383, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2383, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 471-10) recommending that H.B. No. 1978, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 471-10 on H.B. No. 1978, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1978, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 472-10) recommending that H.B. No. 2404, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 472-10 on H.B. No. 2404, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2404, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 473-10) recommending that H.B. No. 2693, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 473-10 on H.B. No. 2693, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2693, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 474-10) recommending that H.B. No. 2020, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 474-10 on H.B. No. 2020, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2020, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 475-10) recommending that H.B. No. 2271, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 475-10 on H.B. No. 2271, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2271, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 476-10) recommending that S.B. No. 898, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 476-10 on S.B. No. 898, SD 2, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 898, SD 2, HD 1, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 477-10) recommending that S.B. No. 1059, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 477-10 on S.B. No. 1059, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1059, SD 2, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 478-10) recommending that S.B. No. 549, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 478-10 on S.B. No. 549, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 549, SD 1, HD 1, were made available to the Members of the House.

Representatives Karamatsu and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 479-10) recommending that H.B. No. 2297, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 479-10 on H.B. No. 2297, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2297, HD 2, were made available to the Members of the House.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 480-10) recommending that H.B. No. 2417, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 480-10 on H.B. No. 2417, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2417, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 481-10) recommending that H.B. No. 2208, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 481-10 on H.B. No. 2208, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2208, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 482-10) recommending that H.B. No. 2289, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 482-10 on H.B. No. 2289, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2289, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 483-10) recommending that H.B. No. 2312, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 483-10 on H.B. No. 2312, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2312, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 484-10) recommending that H.B. No. 2464, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 484-10 on H.B. No. 2464, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2464, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 485-10) recommending that H.B. No. 2921, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 485-10 on H.B. No. 2921, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2921, HD 2, were made available to the Members of the House.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 486-10) recommending that H.B. No. 2434, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 486-10 on H.B. No. 2434, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2434, HD 2, were made available to the Members of the House.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 487-10) recommending that H.B. No. 674, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 674, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 487, Mr. Speaker, I rise with strong reservations. Mr. Speaker, there's a standing tradition in the Finance Committee as you well know, and does Speaker Emeritus Souki and now with Representative Oshiro, that generally speaking, if it's the DOT budget, we kind of say, 'Well, it's their money. It's federal money. We'll leave it alone.' Same with OHA and DHHL.

"This bill however, oversteps that. It overreaches and it says, 'OHA you will spend your money on thus and such.' And they're good causes that it's being spent for. However, this is precedent setting. If I were OHA I would say, 'I'm now subject to any of the whims of the Legislature and of any spending for Hawaiian affairs that they so desire.'

"So my question is: Do we really want to go there? With the Akaka Bill and sovereignty and all the other things, this doesn't seem to mesh with that direction. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 488-10) recommending that H.B. No. 2587, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2587, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 489-10) recommending that H.B. No. 1868, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 490-10) recommending that H.B. No. 415, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 415, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 491-10) recommending that H.B. No. 2288, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2288, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 492-10) recommending that H.B. No. 2905, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 493-10) recommending that S.B. No. 771, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 771, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like to register a no vote. I would like to give a few short comments and reserve most of my comments for Third Reading.

"I'm in opposition to this bill as this bill would undermine the arbitration process for the real estate appraisal disputes in our State. I would urge Members, and alert Members to look at the testimony presented by the Appraisal Institute Hawaii Chapter, which opposed this bill. Thank you, Mr. Speaker."

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

Representative Luke rose to speak in opposition to the measure, stating:

"I would like a no vote and have short comments. I don't think we should force the rules of the appraisal practices upon an arbitrator. Thank you."

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, a no vote for me. And again we're confusing the role of an arbitrator and an appraiser. Thank you."

Representative Brower rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 771, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Brower, Luke and Morita voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 494-10) recommending that S.B. No. 2246, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 495-10) recommending that H.B. No. 2129, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 496-10) recommending that H.B. No. 840, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 840, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 497-10) recommending that H.B. No. 1019, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 498-10) recommending that H.B. No. 2725, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2725, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 499-10) recommending that H.B. No. 2542, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 500-10) recommending that H.B. No. 2702, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2702, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 501-10) recommending that H.B. No. 2736, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 502-10) recommending that H.B. No. 2741, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 503-10) recommending that H.B. No. 2832, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2832, HD 1, pass Second Reading and be

placed on the calendar for Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2832, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 504-10) recommending that H.B. No. 1985, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1985, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 505-10) recommending that H.B. No. 2523, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 506-10) recommending that H.B. No. 2596, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 507-10) recommending that H.B. No. 2600, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 508-10) recommending that H.B. No. 2690, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2690, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 509-10) recommending that H.B. No. 2874, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2874, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with brief comments. Mr. Speaker, you know when people ask you for a donation, and you say, 'I gave at the office'? This is the tax increase for the hotel industry where in the Finance Committee they said, 'Hey, we gave last year.'

"We bumped them two percentage points and this year, we are going to raise the TAT again. I think if anybody saw yesterday or today's paper, they have a percentage of increase of visitors this month over last year. They have a percentage of increase of expenditures, which is great news. And it looks like we're finally getting out of the doldrums. We're turning the corner. This is the engine of the economy. Why do we even want to play with this small amount of taxation to possibly, 'gum up' the works, which is in a turnaround position. So I think is 'pennywise, pound foolish.' Thank you."

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

Representative Ching rose to speak in opposition to the measure, stating:

"In opposition. I just feel that again, to reiterate what the Representative from Hawaii Kai is saying, this is not the time to raise taxes on tourism because we're still not out of the bad economy. We just don't want to raise taxes at this time. May I also submit additional written comments?"

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to House Bill 2874, which temporarily increases the Transient Accommodations Tax rate on timeshare units from 7/1/2010 to 6/30/2015, and adds an additional 2% on fair market value.

"Hawaii cannot afford to target tourism with tax burdens beyond those the industry already suffers. Still struggling from last year's hefty impositions, the tourism industry is not yet out of the woods with its recovery. Visitor arrivals have declined by 1.1 million over the last two years, and visitor spending has decreased by $2.8 billion. Tourism competition is now fiercer than ever, and price has become the main factor in attracting or deterring potential tourists, so we must not repel yet another sector of our State's valued tourism influx. Furthermore, we must retain as much money as possible within our economy, in order to boost economic performance, or at least to prevent it from slowing further than it already has.

"More specifically, timeshares often gravitate toward a particularly valuable population of Hawaii's visitors. Rooms provided through timeshare arrangements are often used to attract meeting planners, travel agents, travel journalists, and film crews to the Islands. Visiting for work related purposes, these crucial groups make decisions that are highly price-dependent, as the agencies, publishers, companies and producers will quickly select another destination if Hawaii proves uneconomical. Not only will price hikes sacrifice the funds gained directly through the timeshare deals, but they will also lose all those subsequent revenues from the many meeting attendees, travelers gained through agencies, readers of travel journals, and those celebrities contingent to filming shoots. Echoing repercussions will resound long after these losses, in the lost opportunity for Hawaii's media publicity to overseas audiences.

"Private owners of timeshare units are fundamental components of tourism in Hawaii, too. With their rent already paid, these visitors have more discretionary funds to spend on restaurants, shops, souvenirs and tourist activities, which hotel guests must budget more carefully. Timeshare owners also are more specifically committed to Hawaii as opposed to alternative vacation locales, and offer one of the State's most stable visitor sources in the event of natural or national disaster. Timeshare owners and their guests have also been shown to stay an average of 10.3 nights, significantly longer than most hotel guests. Subject to yearly maintenance fees and real property taxes, timeshare owners are indeed property owners.

"If Hawaii institutes this proposed tax, it will become the only State in the US which will ask owners to pay transit occupancy taxes for their own real property. Although timeshare owners offer economic stability to Hawaii which few other visitor classes can rival, their loyalty has still become fragile in these difficult times. In 2009 alone, for instance, over 300 owners decided to relinquish their timeshares simply because of cost issues. We must put a plug in these losses before they get out of hand, and alienate one of Hawaii's most loyal and lucrative visitor populations. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2874, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 510-10) recommending that H.B. No. 2963, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2963, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition and have short comments. Mr. Speaker, this is making an emergency appropriation from the Emergency and Budget Reserve Fund for education. This is the Rainy Day Fund. Basically, I'm not for just using this for education. I'll reserve the rest of my comments for Third Reading."

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

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

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

"Thank you, Mr. Speaker. I rise in support. Thank you, Mr. Speaker. You know, there's very little we can do right now in the Legislature to get our students, our kids back to school and to eliminate furlough days. The best we can do is to position a bill based on the recommendations set forth by the Governor and a few other people, in terms of how they're going to address, or how they're trying to address the furlough situation. This is what we heard is the proposal on the table; to utilize some or all of the Rainy Day Fund to get the kids back in school.

"So I appreciate Leadership's and the Finance Committee's efforts to get this measure through our process. The goal is once, and we hope that once they decide to get this agreement through, that we will be ready within a few days to get this up to the Governor. I also ask to submit additional written comments in support, Mr. Speaker. Thank you."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to make an emergency appropriation of $50 million from the Emergency and Budget Reserve Fund to the general fund. This would restore instructional days that have been turned into furlough days because of the State's shortfall in revenues for Fiscal Year 2009-2010.

"I realize that there are tremendous needs facing our communities in this very difficult economic crisis. We created the "rainy day fund" in 1999 for times like we're experiencing now. However, today it's not raining, it's actually pouring buckets of rain.

"I understand the concerns of the social service agencies, especially regarding the needs of the elderly and medically fragile. My vote in support of this bill to utilize $50 million for teacher furloughs is not a position against providing the funding to the elderly and needy, but more a statement against the current furloughs in education. I do support funding for the elderly, for the needy and for the medically fragile. However, when Hawaii becomes the laughing stock of the Nation or when the U.S. Secretary of Education makes hurtful comments against the education system in Hawaii in the Washington Post and the New York Times, I'm terribly concerned.

"I have spent my entire legislative career focused on the education of children in Hawaii. From 1994 until last year, I was extremely proud of what we have accomplished. 'Education is our Top Priority' is not a slogan for me. Rather, it's a mission. Nearly each waking hour of my life as a State Representative, I've tried to live for this mission.

"My wife and I have both greatly benefited from our own public school education. She graduated from Moanalua High School, and I graduated from Pearl City High School. In hindsight, we wouldn't have it any other way. We are proud graduates of Hawaii public schools. Even our two young children are educated at an elementary school in Aiea. They were both receiving the best education that money can buy until this past fall.

"Furloughs are a disgrace. We build schools so that children can learn in a safe environment. Schools are where dreams are developed. When schools are closed due to furloughs and children are left at home because we can't afford paying our teachers, they lose. And when children lose, we all lose.

"A few years ago, I spent a few years volunteering in our public schools. A good friend of mine Mark Hunter, who is a retired banker from Tampa, Florida, and I spent a few years working together on an econometrics model for public schools in Hawaii. This econometrics model took into consideration a few factors that some teachers say are beyond their control. I call these, "uncontrollables." These "uncontrollables" include things like the percentage of students who are on free and reduced lunch, the percentage of students in special education, the size of the school, the percentage of teachers with less than five years of experience, the teacher attendance rate, the student attendance rate, to name a few.

"We used eight of these "so-called" uncontrollables. With these data, we could determine scores of the Hawaii State Assessment within three percentage points before the test is even taken – before the test is taken. Before the test is taken, we know with some certainty that a certain school will hit a certain score on the state assessment.

"So how is this relevant to furloughs and to today's challenges? Here's why.

"The most important factor influencing performance on the State assessment is not whether a student gets free or reduced lunch or whether the teachers are just out of college. The most important factor impacting scores on the state assessment is student attendance. How well a student does in school is based on attendance. This makes perfect sense to me. If a student is not in school, she will not learn. And if she doesn't learn, she will not perform well on the state assessment.

"Again, if a student is not in school because his school is closed to furloughs, he will not learn. And if he doesn't learn, he will not perform well on the State assessment.

"Furloughs keep students at home. Furloughs keep students out of school. Not being in school means our children are not learning. Children who are not learning will not do well in school and will not do well on the State assessments. Our actions or lack thereof are hurting students, are hurting our children.

"Furloughs must end. They must end not only because we closed the schools and not only because they are an embarrassment to the nation. We must end furloughs because we're hurting our children and we are hurting our future.

"I urge our colleagues to support this bill. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"I'm sorry. May I just give a couple of comments? My reservations weren't against ending furlough days. I just want to make that clear. That is our Caucus' our number one priority. I think there was just a concern for using all of the Fund, instead of using it for the safety net which is what we're all worried about as well."

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

"Mr. Speaker, I'm standing up in support with reservations. I want to just highlight again, that the Rainy Day Fund was designed to help with the issues of healthcare and human services. Mr. Speaker, as we all know, it's definitely pouring, even at the point of flooding. There are programs that currently need this money. So I hope that something can be worked out in which we not only address our instructional days, but also protect our most vital services and healthcare. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2963, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FROM THE EMERGENCY AND BUDGET RESERVE FUND FOR EDUCATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Finnegan voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 511-10) recommending that H.B. No. 2505, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 512-10) recommending that H.B. No. 2532, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 513-10) recommending that H.B. No. 2875, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2875, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RESERVE TRUST FUND," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 514-10) recommending that H.B. No. 2595, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2595, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

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

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

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

"Mr. Speaker, on Stand. Com. Rep. No. 514, with strong reservations. Mr. Speaker, in legal parlance, in a court of law we're all innocent until proven guilty. This bill for the GE tax says, 'You owe GE tax to the State of Hawaii, until you prove that you're exempt.' This is kind of rounding up more than the usual suspects. It's taking everybody, whether you sell Kool-Aid on the corner or you do anything for any amount of money.

"I think even though Mr. Kawafuchi and the Department of Taxation need as much help as they can get, and there's a big underground economy, and all of that, some of these things I think, they're too far reaching. They're too Machiavellian. This bill goes a little bit too far because you have to show that you are exempt and you've got physical paper.

"It's like the tax police that we've heard have been walking down Fort Street Mall. 'Can I see your GE tax? Can I see proof that you're being able to do this?' Some in the farmers' markets also felt intimidated. They didn't have a cash register. So we have got to be serious about citizens paying what they have to pay, but we also know that this is not Russia. We also know this is not a way, where we strong-arm people. We all pay our taxes on April 15th on a voluntary basis, but this is getting a little bit very close to the edge. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 515-10) recommending that H.B. No. 1922, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 516-10) recommending that H.B. No. 2313, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2313, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition of H.B. 2313 H.D. 1 which repeals the income tax provision to require the reporting of gambling winnings, but not losses.

"We must always be cognizant of the messages we are sending as the Legislature, and this Session, the Legislature is moving forward a plethora of measures which either attach fees or moreover, rescind tax exemptions that individuals and businesses have relied upon for decades. We count approximately 30 bills that do this. These measures take away the ability to write off certain expenditures, and yet the one bill we repeal and give back the ability to report is one for gambling. It just seems wrong.

"As I have not served on the Committees that this was vetted through, my first time I have seen this bill was on the Floor of the House today. It just seems wrong with all the cries for help from business, individuals, and those that rely on healthcare that we can restore this provision and not others. We must be aware of the appearance we portray. My no vote is a reflection of the fact that I question the priorities of this Legislature trend. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ching voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 517-10) recommending that H.B. No. 1948, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1948, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 518-10) recommending that H.B. No. 1907, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1907, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker I am voting no and have brief comments. Mr. Speaker, this is probably the same thing as paying our fair share of taxes, except this one goes to the extent that if you are a legitimate business and you do your best to make money, and you actually lose money, this bill says that your carryover is not going to be deductible for the following year.

"Case in point. If I'm a farmer and I have to go for maybe an 18-month cycle before I get my fruit or my vegetables or my trees to harvest. This says that you're not going to be able to deduct that amount of itemized deduction. That is not fair. It, unfortunately, is what we're doing as a country. There's too much intervention of government into what otherwise is a private sector matter that has allowed us to prosper up until this point. We're getting too greedy and too interventionist into our economy. This is one of those bills that really doesn't pass the 'smell test.' Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. Likewise, Mr. Speaker, I am in opposition to House Bill 1907, House Draft 1. It would not allow your carryback deduction for losses for certain years, 2009 and 2010. Many businesses have not been doing well recently. If we collapse their carry-back provisions, it could be a real business killer. I hope that this bill does not survive this Session. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like a no vote and I'll save my comments for Third Reading."

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

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1907, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Finnegan, Marumoto and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 519-10) recommending that H.B. No. 40, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 520-10) recommending that H.B. No. 2885, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2885, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 521-10) recommending that H.B. No. 1947, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 522-10) recommending that H.B. No. 2186, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2186, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROPER PAYMENTS ELIMINATION AND RECOVERY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 523-10) recommending that H.B. No. 2594, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2594, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 524-10) recommending that H.B. No. 2850, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2850, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 525-10) recommending that H.B. No. 2851, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2851, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am rising in opposition with a brief comment. Mr. Speaker, people on the Floor had recently lamented the fact that we have a safety net and that we're supposed to be helping those who are not able to help themselves. Yet at the same time, and on the other hand, and the same breath, we turn around and raise the cost of living with taxes such as this, and the ability to buy insurance. With the next bill, we're going to tax the banks more for their participation in the economy.

"Mr. Speaker, we can't have it both ways. If we want the people of Hawaii to survive, and we already have a quarter million of people who are dependent upon the government for their healthcare, their sustenance and survival. A quarter million people. We only have 1.3 million people.

"If we don't stop these cost of living increases by causing all these fees and these taxes to increase, we're going to wonder why have we pushed all these people to the side and wonder why there's not enough funds for the social services. Because this is what takes away from that, Mr. Speaker.

"Domestic violence is on the rise. The first thing that families fight for is money. We're taking more money out and I think we've got to know when the limit is the limit. Thank you, Mr. Speaker."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in support, very briefly. I must object to some of those characterizations. Unfortunately in the current status that we're in, we have a deferral of all of our Medicaid and QUEST payments going on and on for months and months. We're talking millions of dollars that are not being paid. We want to talk about the 'safety net,' and then we don't want to actually pay for it.

"The Administration is refusing to pay for it. The Department of Human Services is saying that we don't need to pay for it. The federal law doesn't require us to pay for it. So you know what? We'll just kick the can down the road and let somebody else pay for it at a later time.

"We can't do that. It needs to get paid if these people are going to get services. So I don't see how the Representative from Hawaii Kai can say, 'Let's save the 'safety net',' but not find a way for us to pay for it. Unfortunately our current Administration has not accounted for that and we need to account for that if we're going to have that 'safety net.' Thank you."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief retort to the learned Majority Leader. If we look at the source of where government gets its funding, it's half personal income taxes, half GE Taxes, generally speaking. Those private sector entities such as those that we are, with this bill, going to tax. They are the ones, if they decrease their revenue generation, they decrease in their employee, they decrease their taxation paid. The assumption is if we just raise their tax we'll get more money versus, if we make them weak, the tax and the money we're going to get is going to be weak.

"The correlation between helping the business community or hindering them is really the stagnation that we're now economically experiencing. We've got to be able to get the businesses healthy because let's face it, 80% of all the jobs come out of the private sector. Not everybody works for government. Not everybody is so secure as to have government payment. And the unemployment lines, 95% of the people come out of the private

sector. Less than 5% are from the public sector. So we depend upon the private sector. We depend upon those businesses. We should give them a break because they're the ones who feed us, who fund us, and make us have government as it is today.

"So the learned gentleman who doesn't see the correlation between those who feed us and the hand that feeds us, this is the fundamental thing of private enterprise in a capitalistic society, which has been the richest in the world heretofore, has never experienced. Thank you."

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

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2851, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Marumoto and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 526-10) recommending that H.B. No. 2872, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2872, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Marumoto and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 527-10) recommending that H.B. No. 2887, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2887, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I would like a no vote and I'll reserve my comments for Third Reading."

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

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

"Thank you, Mr. Speaker. In support. This is a difficult bill in difficult times. I think everyone, myself included, recognizes the good work and effort that the Tobacco Prevention and other programs to prevent and get people off of tobacco have done. At the same time, we are faced with what the prior discussion on a bill earlier was about which is the 'safety net.' There are many things and many decisions that we're going to make this year that may delay or minimize prevention so that we can provide the service to the person in the ER room, or in the hospital who actually may die if we don't. These are the tough decisions that we have.

"Secondly, I would also like for Members to keep in mind that the Trust Fund money that this money is being diverted from which, if I'm not mistaken, lies outside the State Treasury, has a balance of over $50 million. That's fifty, 5-0, not 1-5, at a time when we can't even make Medicaid payments and provide child protective services and other things that are critical for the 'safety net.' Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT MONEYS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Finnegan, Marumoto, Rhoads, Takai and Ward voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 528-10) recommending that H.B. No. 2598, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2598, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 529-10) recommending that H.B. No. 2852, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2852, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

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

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

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

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

"Thank you. On Stand. Com. No. 529, may I get a ruling of a potential conflict of interest? I'm an insurance broker and I work with some of these companies," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE PREMIUM TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 530-10) recommending that H.B. No. 2866, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2866, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2866, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 531-10) recommending that H.B. No. 2867, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2867, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

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

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

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

"Mr. Speaker, on Committee Report No. 531, I just want to make a comment on the process. Although the substance of the bill is not to my liking, this was a 'gut and replace.' It was very difficult for us to have voted on it on Second Reading. Although I may be mistaken, it's very hard to be able to know what's coming up for vote on Third Reading, if it's a 'gut and replace.' So that is just my comment on that. Thank you, sir."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 532-10) recommending that H.B. No. 2877, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2877, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 533-10) recommending that H.B. No. 2962, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2962, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2962, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 534-10) recommending that H.B. No. 2737, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2737, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Berg voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 535-10) recommending that H.B. No. 2849, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2849, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 535, I want to register a no vote and I'll be reserving my comments for Third Reading. But I did want to ask to insert written comments and just a special comment to express that this is the revised version of Senate Bill 1350, which was vetoed by the Governor."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition of H.B. 2849 H.D. 1, which imposes a retroactive reserved housing requirement for residential and commercial planned development permit projects greater than 45 feet in height or containing a floor area ratio greater than 1 1/2 on a lot 20,000 square feet or greater in size in the Kakaako community development district, mauka area, and repeals the use of in-lieu cash payments and substituted housing not located within the Kakaako district.

"I do believe that the Kaakaako community should be composed of residential housing for all income level families, however this particular measure is not the proper way to encourage the creation of low and moderate income housing in this area. According to the Land Use Research of Hawaii Foundation, there is no evidence that proves there is legal justification that these percentages allotted are justified or constitutional. I agree with both this Foundation and the Hawaii Community Development Authority that there needs to be some discussion before a measure is passed with stakeholders, landowners and agencies to develop a consensus of goals, incentives and implementations.

"We must take into consideration the ideas of the HCDA and its opposition for reasons such as the unreasonable ties associated with commercial development and the confusion in actual results as a result of this measure. We must also look at incentives that should be included in the programs. Thank you."

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

"Mr. Speaker, with reservations on Stand. Com. Report No. 535. Thank you, Mr. Speaker. And I will reserve more detailed comments for the future, but passing this bill may undo some of what this Body has done previously to the waterfront area in Kakaako. Thank you."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Finnegan voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 536-10) recommending that H.B. No. 2918, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2918, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"In strong support of Stand. Com. Rep. No. 536-10, Mr. Speaker. I'm supporting it in light of that fact that these projects will give 30% of their floor space to affordable housing, and that is something that the people of Hawaii have been asking for. I think that not letting this bill pass will be depriving us of that 30%. So even if it's 20% or 30%, I think that's a better number than zero. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 537-10) recommending that H.B. No. 2311, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 538-10) recommending that H.B. No. 2724, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2724, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 539-10) recommending that H.B. No. 1752, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1752, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 540-10) recommending that H.B. No. 1756, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1756, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I would like a no vote and will reserve my comments for Third Reading."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Finnegan and Marumoto voting no, and with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 541-10) recommending that H.B. No. 1847, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1847, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support of HB1847. This bill will support Act 169 from last Session, as well as align our State Nurse Practice Act with the national standard, necessary in the near future for the Interstate Compact and APRN Interstate Compact.

"I agree with deleting the controlled substance dispensing. APRNs should be able to receive samples. I commend the Board of Nursing for working with the stakeholders to reach consensus. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 542-10) recommending that H.B. No. 2056, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 543-10) recommending that H.B. No. 1944, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1944, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 544-10) recommending that H.B. No. 2238, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2238, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 545-10) recommending that H.B. No. 2083, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 546-10) recommending that H.B. No. 2263, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2263, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 547-10) recommending that S.B. No. 520, SD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 520, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 548-10) recommending that H.B. No. 2568, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2568, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

At 1:09 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1847, HD 1
H.B. No. 2056, HD 1
H.B. No. 1944
H.B. No. 2238
H.B. No. 2083, HD 1
H.B. No. 2263
S.B. No. 520, SD 1
H.B. No. 2568

THIRD READING

H.B. No. 2016:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

H.B. No. 2371, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

H.B. No. 2304, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

H.B. No. 2132, HD 1:

Representative B. Oshiro moved that H.B. No. 2132, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative B. Oshiro's written remarks are as follows:

"This measure places a small, but formidable requirement upon mortgage lenders to notify their mortgagors about appropriate foreclosure counseling services that may be available to them at least forty-five days prior to initiating foreclosure proceedings. Similar measures have been introduced and passed in other states and have been shown to have success in assisting homeowners facing foreclosure.

"Hawaii has not been immune to the effects the financial calamity wreaking havoc around the globe. Predatory lending, unregulated financial markets, and poor legislative oversight all contributed in part to the economic environment we find ourselves in now. Unfortunately, many people were lured into buying homes, apartments, etc. that ended up being out of their price range, or became out of their price range following the loss of a job.

"Keep in mind, in January, Hawaii's foreclosure rate rose 286%, from a year ago, and nearly 25% of all mortgages nationwide are currently underwater (meaning borrowers owe more on their loans than their homes are worth). The foreclosure crisis *is* hitting close to home. We owe it to those in our communities who have lost a job, or are furloughed, to make every effort to keep them in their homes.

"Sometimes our government has an opportunity to extend a helping hand to those struggling to stay fiscally afloat – this is one of those times.

"This bill provides some protection to homeowners by providing them valuable tools and information to prevent the loss of their homes. I urge my colleagues to support this measure."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, the Ewa area is the hardest hit area on Oahu when it comes to foreclosures. In 2009 there were over 630 foreclosures in the Ewa Beach area. Currently more than 42 percent of Ewa Beach's active listings are short sales or foreclosures, and prices have dropped about 30 percent from the height of the last up cycle.

"The real tragedy here is that Ewa Beach is primarily a working-class neighborhood, and real people are the ones that have been damaged by this turn of events. Ewa Beach's reputation as an affordable place for new homes attracted a lot of young couples, who could only afford the

payments by working more than two jobs between them. The reality is that this economy has decimated the job market, and this Legislature is exasperating the problem with increased taxes on the good people of Hawaii.

"This bill offers some relief, possibly a ray of sunshine. It does not guarantee that these people will get to keep their houses, but it will give them a fighting chance, and that is what they want, a chance. This bill asks that they be given 45 days notice. The funny thing is you would hope that this was already a requirement. The bill also requires that this notice include information for the mortgagor to get mortgage counseling. Who knows, maybe, just maybe, this may give one of my hard working constituents the insight they need to save their house. Maybe it doesn't, but we gave them a fighting chance. We didn't let them sink without throwing them a lifeline. We did all that we could to help them out.

"I am passionate about this, because this problem of foreclosures is going on every day in my backyard. These peoples are my neighbors and friends, and someone has to stick up for them. So I rise in support not only for this measure, but for my friends and neighbors in Ewa Beach who deserve this help."

The motion was put to vote by the Chair and carried, and H.B. No. 2132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

H.B. No. 2450, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Souki, Thielen and Tokioka being excused.

At 1:10 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2016
H.B. No. 2371, HD 1
H.B. No. 2304, HD 1
H.B. No. 2132, HD 1
H.B. No. 2450, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 53 through 71) and concurrent resolutions (H.C.R. Nos. 101 through 130) were referred to Printing and further action was deferred:

H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was jointly offered by Representatives McKelvey, Bertram, Carroll, Keith-Agaran, Yamashita and Souki.

H.R. No. 54, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR, AND URGING PARTICIPATION IN, THE 6TH HEALING OUR SPIRIT WORLDWIDE GATHERING," was jointly offered by Representatives Carroll, Awana, Brower, Chang, Evans, Hanohano, Karamatsu, C. Lee, McKelvey, Morita, Nishimoto, Shimabukuro, Belatti, Berg, Bertram, Magaoay, Souki, Takumi, Wakai, Yamane and Yamashita.

H.R. No. 55, entitled: "HOUSE RESOLUTION SUPPORTING H.R. 3680 AND S. 1732 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR HEALTH DATA REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS," was jointly offered by Representatives Carroll, Awana, Belatti, Berg, Brower, Hanohano, C. Lee, McKelvey, Morita, Shimabukuro, Bertram, Chang, Evans, Karamatsu, Magaoay, Souki, Takumi, Wakai, Yamane and Yamashita.

H.R. No. 56, entitled: "HOUSE RESOLUTION SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION AND ITS OLA HAWAIʻI PROGRAM AS DYNAMIC CONTRIBUTORS TO THE BETTERMENT OF THE CONDITIONS AND RELATIONSHIPS BETWEEN NATIVE HAWAIIANS AND THE VISITOR INDUSTRY OF HAWAIʻI," was jointly offered by Representatives Carroll, Awana, Belatti, Berg, Chang, Evans, Hanohano, C. Lee, McKelvey, Morita, Nishimoto, Shimabukuro, Bertram, Brower, Karamatsu, Magaoay, Pine, Souki, Takumi, Wakai and Yamashita.

H.R. No. 57, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII AND HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EMERGING TRADITIONAL KNOWLEDGE SUPPLEMENT TO THE OCEAN LITERACY PRINCIPLES," was jointly offered by Representatives Carroll, Awana, Berg, Brower, Evans, Hanohano, McKelvey, Nishimoto, Shimabukuro, Bertram, Karamatsu, C. Lee, Magaoay, Morita, Pine, Souki, Takumi, Yamane and Yamashita.

H.R. No. 58, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DOCUMENT INTERNAL PROCEDURES AND POLICIES OF THE STATE HISTORIC PRESERVATION DIVISION," was jointly offered by Representatives Carroll, Belatti, Berg, Brower, Hanohano, Magaoay, McKelvey, Bertram, Karamatsu, C. Lee, Morita, Pine, Souki and Wakai.

H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING STATE DEPARTMENTS TO USE TRADITIONAL HAWAIIAN NAMES WHEN IDENTIFYING FISHPONDS," was offered by Representative Berg.

H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO REPORT TO THE LEGISLATURE ON THE NEED FOR WORKFORCE HOUSING IN KAKAAKO MAUKA," was offered by Representative Ito.

H.R. No. 61, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was jointly offered by Representatives Say, Ito, Karamatsu, McKelvey, Tsuji and Yamane.

H.R. No. 62, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was offered by Representative Brower.

H.R. No. 63, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was offered by Representative Brower.

H.R. No. 64, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE REAUTHORIZATION OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT OF 2009," was jointly offered by Representatives Carroll, Belatti, Har, Ito, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.R. No. 65, entitled: "HOUSE RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was jointly offered by Representatives Carroll, Belatti, Har, Ito, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.R. No. 66, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ADOPT AND IMPLEMENT NEW ADMINISTRATIVE RULES TO PROHIBIT A BENEFICIARY FROM APPLYING FOR A HAWAIIAN HOME LANDS LEASE IF THE PERSON ALREADY RECEIVED A LEASE AWARD AND SOLD, UNLESS THERE ARE COMPELLING OR PERSUASIVE REASONS FOR SELLING THE LEASE," was jointly offered by Representatives Carroll, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.R. No. 67, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES AND COMMANDER OF HICKAM AIR FORCE BASE TO CHANGE THE NAME OF THE FORT KAMEHAMEHA WASTEWATER TREATMENT PLANT," was jointly offered by Representatives Awana, Hanohano, Sagum, Brower and Nishimoto.

H.R. No. 68, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COMPLETE A COMPREHENSIVE WATER CONSERVATION PLAN," was jointly offered by Representatives Berg, C. Lee and Belatti.

H.R. No. 69, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE FEASIBILITY OF USING NATIVE HAWAIIAN FISHPOND CONSTRUCTION AS A FOUNDATION OF A NEW SUSTAINABLE AQUACULTURE INDUSTRY IN HAWAII, AND TO PROMOTE AND ENCOURAGE ITS DEVELOPMENT," was jointly offered by Representatives Berg and C. Lee.

H.R. No. 70, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE ON ELECTRONIC HEALTH RECORDS TO DEVELOP A STRATEGY FOR STANDARDIZING INFORMATION TECHNOLOGY PRACTICES AMONG BEHAVIORAL HEALTH PROVIDERS," was jointly offered by Representatives Chang, Bertram, Chong, Hanohano, Manahan, McKelvey, Mizuno, Nakashima, Shimabukuro, Tsuji, Yamane, Yamashita, Cabanilla, Evans, Herkes, Ito, Magaoay, B. Oshiro, Sagum, Souki and Takumi.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE CIVIL DEFENSE DIVISION OF THE DEPARTMENT OF DEFENSE TO PREPARE A REPORT ON THE FEASIBILITY OF REQUIRING ALL RETAIL GASOLINE STATIONS IN THE STATE TO BE PRE-WIRED FOR ELECTRICAL GENERATORS," was jointly offered by Representatives Evans, Mizuno, Hanohano and Tsuji.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was jointly offered by Representatives McKelvey, Bertram, Yamashita, Keith-Agaran and Souki.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was jointly offered by Representatives McKelvey, Mizuno, Shimabukuro, Berg, Carroll, C. Lee and Nishimoto.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR, AND URGING PARTICIPATION IN, THE 6TH HEALING OUR SPIRIT WORLDWIDE GATHERING," was jointly offered by Representatives Carroll, Awana, Brower, Chang, Evans, Hanohano, Karamatsu, C. Lee, McKelvey, Morita, Nishimoto, Shimabukuro, Belatti, Berg, Bertram, Magaoay, Souki, Takumi, Wakai, Yamane and Yamashita.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING H.R. 3680 AND S. 1732 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR HEALTH DATA REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS," was jointly offered by Representatives Carroll, Awana, Belatti, Berg, Brower, Hanohano, C. Lee, McKelvey, Morita, Shimabukuro, Bertram, Chang, Evans, Karamatsu, Magaoay, Souki, Takumi, Wakai, Yamane and Yamashita.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION AND ITS OLA HAWAIʻI PROGRAM AS DYNAMIC CONTRIBUTORS TO THE BETTERMENT OF THE CONDITIONS AND RELATIONSHIPS BETWEEN NATIVE HAWAIIANS AND THE VISITOR INDUSTRY OF HAWAIʻI," was jointly offered by Representatives Carroll, Awana, Belatti, Berg, Brower, Chang, Evans, Hanohano, C. Lee, McKelvey, Morita, Nishimoto, Shimabukuro, Bertram, Karamatsu, Magaoay, Pine, Souki, Takumi, Wakai and Yamashita.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EMERGING TRADITIONAL KNOWLEDGE SUPPLEMENT TO THE OCEAN LITERACY PRINCIPLES," was jointly offered by Representatives Carroll, Awana, Brower, Hanohano, McKelvey, Nishimoto, Shimabukuro, Berg, Bertram, Evans, Karamatsu, C. Lee, Magaoay, Morita, Pine, Souki, Takumi, Yamane and Yamashita.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DOCUMENT INTERNAL PROCEDURES AND POLICIES OF THE STATE HISTORIC PRESERVATION DIVISION," was jointly offered by Representatives Carroll, Belatti, Berg, Hanohano, Magaoay, McKelvey, Bertram, Brower, Karamatsu, C. Lee, Morita, Pine, Souki and Wakai.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED AS "THE RONALD T.Y. MOON JUDICIAL COMPLEX"," was jointly offered by Representatives Har, Aquino, Karamatsu and Shimabukuro.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE DEPARTMENTS TO USE TRADITIONAL HAWAIIAN NAMES WHEN IDENTIFYING FISHPONDS," was offered by Representative Berg.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN," was offered by Representative Yamane.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO REVIEW THE PURPOSE AND EFFECTIVENESS OF THE CITY AND COUNTY OF HONOLULU'S NEIGHBORHOOD BOARD SYSTEM," was offered by Representative Say, by request.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO REPORT TO THE LEGISLATURE ON THE NEED FOR WORKFORCE HOUSING IN KAKAAKO MAUKA," was offered by Representative Ito.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was jointly offered by Representatives Say, Ito, Karamatsu, McKelvey, Tsuji and Yamane.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was offered by Representative Brower.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was offered by Representative Brower.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE REAUTHORIZATION OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT OF 2009," was jointly offered by Representatives Carroll, Belatti, Har, Ito, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was jointly offered by Representatives Carroll, Belatti, Har, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ADOPT AND IMPLEMENT NEW ADMINISTRATIVE RULES TO PROHIBIT A BENEFICIARY FROM APPLYING FOR A HAWAIIAN HOME LANDS LEASE IF THE PERSON ALREADY RECEIVED A LEASE AWARD AND SOLD, UNLESS THERE ARE COMPELLING OR PERSUASIVE REASONS FOR SELLING THE LEASE," was jointly offered by Representatives Carroll, Karamatsu, McKelvey, Shimabukuro, Yamane and Choy.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES AND COMMANDER OF HICKAM AIR FORCE BASE TO CHANGE THE NAME OF THE FORT KAMEHAMEHA WASTEWATER TREATMENT PLANT," was jointly offered by Representatives Awana, Hanohano, Sagum, Brower and Nishimoto.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COLLABORATION WITH THE DEPARTMENT OF EDUCATION AND UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, TO DEVELOP PROGRAMS AND WRITTEN GUIDELINES FOR HAWAII'S BUSINESSES AND SCHOOLS TO EDUCATE AND PROMOTE A HEALTHY LIFESTYLE," was jointly offered by Representatives Awana, Hanohano, Nakashima, Sagum and Takumi.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII VIRTUAL LEARNING NETWORK TO OFFER MORE ADVANCED PLACEMENT CLASSES OR PROVIDE PRIORITY TO STUDENTS FROM SMALL OR RURAL HIGH SCHOOLS TO ENROLL IN THE NETWORK'S ADVANCED PLACEMENT CLASSES," was jointly offered by Representatives Awana, Hanohano, M. Lee, McKelvey, Aquino, Sagum, Takumi and Wooley.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE CONTINUED SUPPORT OF NATIVE HAWAIIAN PROGRAMS AND ORGANIZATIONS," was jointly offered by Representatives Awana, McKelvey, Aquino, Hanohano, C. Lee, M. Lee, Sagum, Takumi and Wooley.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," was jointly offered by Representatives Wakai, Brower, Hanohano, Herkes, C. Lee, Marumoto, McKelvey, Ward, Aquino, Bertram, Evans, Morita, Nakashima, Rhoads and Takumi.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF TEETH WHITENING VENDORS," was offered by Representative Herkes.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COMPLETE A COMPREHENSIVE WATER CONSERVATION PLAN," was jointly offered by Representatives Berg, C. Lee and Belatti.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING THE FEASIBILITY OF USING NATIVE HAWAIIAN FISHPOND CONSTRUCTION AS A FOUNDATION OF A NEW SUSTAINABLE AQUACULTURE INDUSTRY IN HAWAII, AND TO PROMOTE AND ENCOURAGE ITS DEVELOPMENT," was jointly offered by Representatives Berg and C. Lee.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE ON ELECTRONIC HEALTH RECORDS TO DEVELOP A STRATEGY FOR STANDARDIZING INFORMATION TECHNOLOGY PRACTICES AMONG BEHAVIORAL HEALTH PROVIDERS," was jointly offered by Representatives Chang, Bertram, Chong, Hanohano, Manahan, McKelvey, Mizuno, Nakashima, Shimabukuro, Tsuji, Yamane, Yamashita, Cabanilla, Evans, Herkes, Ito, Magaoay, B. Oshiro, Sagum, Souki and Takumi.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM," was offered by Representative Takumi.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA," was offered by Representative Takumi.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CIVIL DEFENSE DIVISION OF THE DEPARTMENT OF DEFENSE TO PREPARE A REPORT ON THE FEASIBILITY OF REQUIRING ALL RETAIL GASOLINE STATIONS IN THE STATE TO BE PRE-WIRED FOR ELECTRICAL GENERATORS," was jointly offered by Representatives Evans, Mizuno, Hanohano and Tsuji.

ANNOUNCEMENTS

Representative Brower: "Thank you, Mr. Speaker. A constituent has asked me to remind this Body that today is an important day for Azerbaijani-Americans. It commemorates the Khojaly Massacre, which took place on February 26 in 1992.

"The Armenian government's effort to ethnically cleanse the Azeri population resulted in the death, wounding and hostage taking of almost 2,000 innocents civilians, mostly women, children and elderly. The crime against these peaceful residents of Khojaly was condemned worldwide and broadly covered by national newspapers and magazines, as well as in our country's Congressional Record.

"This memorial day for Azeries will always be remembered, and I would like to join with Azeri-Americans and the US Azeries Network in encouraging our country to properly recognize and commemorate this tragedy. Thank you, Mr. Speaker."

Representative Ward: "Mr. Speaker, two brief announcements. One. On this day in history, in 1961, Kuwait gained independence from Britain and immediately was occupied by Iraq, and we know the rest is history with the Iraqi War and other things that some of us have served in.

"Secondly, if appropriate I would call for a moment of silence for the death of the two-newspaper Hawaii. We don't know which one's going to die, but I think it's a sad day when there's not going to be two voices in the newsprint business any longer. Thank you, Mr. Speaker."

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and House Bills transmitted thereby, seconded by Representative Pine and carried. (Representatives Bertram, Souki, Thielen and Tokioka were excused.)

RECESS

At 1:13 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:00 o'clock a.m., Tuesday, March 2, 2010. (Representatives Bertram, Souki, Thielen and Tokioka were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 549-10 through 672-10), were received by the Clerk prior to 12:00 midnight this legislative day, and the following action was taken:

Stand. Com. Rep. No. 549-10 (JUD) and H.B. No. 2796, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 550-10 (JUD) and H.B. No. 2904, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 551-10 (CPC) and H.B. No. 2461, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 552-10 (CPC/JUD) and H.B. No. 2087, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 553-10 (JUD) and H.B. No. 1987, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 554-10 (JUD) and H.B. No. 2661, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 555-10 (JUD) and S.B. No. 466, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 556-10 (FIN) and H.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 557-10 (FIN) and H.B. No. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 558-10 (FIN) and H.B. No. 2948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 559-10 (FIN) and H.B. No. 2290, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 560-10 (FIN) and H.B. No. 2291, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 561-10 (FIN) and H.B. No. 2294, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 562-10 (FIN) and H.B. No. 2409, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 563-10 (FIN) and H.B. No. 2642, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 564-10 (FIN) and H.B. No. 1927, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 565-10 (FIN) and H.B. No. 2382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 566-10 (FIN) and H.B. No. 2058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 567-10 (FIN) and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 568-10 (FIN) and H.B. No. 2381, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 569-10 (FIN) and H.B. No. 2441, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 570-10 (FIN) and H.B. No. 2831, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 571-10 (FIN) and H.B. No. 2901, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 572-10 (FIN) and H.B. No. 2984, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 573-10 (FIN) and H.B. No. 1852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 574-10 (FIN) and H.B. No. 1854, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 575-10 (FIN) and H.B. No. 2074, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 576-10 (FIN) and H.B. No. 2076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 577-10 (FIN) and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 578-10 (FIN) and H.B. No. 2267, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 579-10 (FIN) and H.B. No. 2376, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 580-10 (FIN) and H.B. No. 2486, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 581-10 (FIN) and H.B. No. 2740, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 582-10 (FIN) and H.B. No. 2239, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 583-10 (FIN) and H.B. No. 2497, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 584-10 (FIN) and H.B. No. 2421, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 585-10 (FIN) and H.B. No. 2631, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 586-10 (FIN) and H.B. No. 2643, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 587-10 (FIN) and H.B. No. 2644, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 588-10 (FIN) and H.B. No. 1961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE REHABILITATION TRUST FUND," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 589-10 (FIN) and H.B. No. 2676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 590-10 (FIN) and H.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 591-10 (FIN) and H.B. No. 2053, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 592-10 (FIN) and H.B. No. 2641, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 593-10 (FIN) and H.B. No. 823, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 594-10 (FIN) and H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 595-10 (FIN) and H.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 596-10 (FIN) and H.B. No. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 597-10 (FIN) and H.B. No. 2829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 598-10 (FIN) and H.B. No. 2084, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 599-10 (FIN) and H.B. No. 2085, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 600-10 (FIN) and H.B. No. 2152, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 601-10 (FIN) and H.B. No. 2688, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 602-10 (FIN) and H.B. No. 2801, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 603-10 (FIN) and H.B. No. 2061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 604-10 (FIN) and H.B. No. 2157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 605-10 (FIN) and H.B. No. 744, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 606-10 (FIN) and H.B. No. 2784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 607-10 (FIN) and H.B. No. 1991, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 608-10 (FIN) and H.B. No. 2508, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 609-10 (FIN) and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 610-10 (FIN) and H.B. No. 1905, entitled: "A BILL FOR AN ACT RELATING TO STATE PAYMENTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 611-10 (FIN) and H.B. No. 2163, entitled: "A BILL FOR AN ACT RELATING TO SALARY AND PENSION PAYMENTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 612-10 (FIN) and H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 613-10 (FIN) and H.B. No. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 614-10 (FIN) and H.B. No. 2257, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 615-10 (FIN) and H.B. No. 2533, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 616-10 (FIN) and H.B. No. 2637, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 617-10 (FIN) and H.B. No. 2919, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 618-10 (FIN) and H.B. No. 2935, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 619-10 (FIN) and H.B. No. 1818, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 620-10 (FIN) and H.B. No. 2092, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 621-10 (FIN) and H.B. No. 2266, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 622-10 (FIN) and H.B. No. 2657, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 623-10 (FIN) and H.B. No. 2692, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 624-10 (FIN) and H.B. No. 2817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 625-10 (FIN) and H.B. No. 2445, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 626-10 (FIN) and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING

FOR DISABLED PERSONS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 627-10 (FIN) and H.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 628-10 (FIN) and H.B. No. 2603, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 629-10 (FIN) and H.B. No. 2605, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 630-10 (FIN) and H.B. No. 2561, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 631-10 (FIN) and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 632-10 (FIN) and H.B. No. 2689, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 633-10 (FIN) and H.B. No. 2835, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 634-10 (FIN) and H.B. No. 1808, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 635-10 (FIN) and H.B. No. 2171, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 636-10 (FIN) and H.B. No. 2347, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 637-10 (FIN) and H.B. No. 2449, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BOARDS OF WATER SUPPLY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 638-10 (FIN) and H.B. No. 2833, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 639-10 (FIN) and H.B. No. 2923, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 640-10 (FIN) and H.B. No. 1921, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 641-10 (FIN) and H.B. No. 1926, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 642-10 (FIN) and H.B. No. 2283, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 643-10 (FIN) and H.B. No. 2698, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 644-10 (FIN) and H.B. No. 2945, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 645-10 (FIN) and H.B. No. 2377, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 646-10 (FIN) and H.B. No. 2855, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 647-10 (FIN) and H.B. No. 2902, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 648-10 (FIN) and H.B. No. 2301, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 649-10 (FIN) and H.B. No. 2370, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 650-10 (FIN) and H.B. No. 2604, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 651-10 (FIN) and H.B. No. 2667, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 652-10 (FIN) and H.B. No. 2708, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 653-10 (FIN) and H.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 654-10 (FIN) and H.B. No. 2775, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 655-10 (FIN) and H.B. No. 2706, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

PERMITTED TRANSFERS IN TRUST ACT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 656-10 (FIN) and H.B. No. 2639, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 657-10 (FIN) and H.B. No. 2306, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 658-10 (FIN) and H.B. No. 2054, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 659-10 (FIN) and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 660-10 (FIN) and H.B. No. 2318, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 661-10 (FIN) and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 662-10 (FIN) and H.B. No. 2091, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 663-10 (FIN) and H.B. No. 2774, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 664-10 (FIN) and H.B. No. 2248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 665-10 (FIN) and H.B. No. 1205, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TAX INCREMENT BONDS," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 666-10 (FIN) and H.B. No. 2003, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 667-10 (FIN) and H.B. No. 1287, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 668-10 (FIN) and H.B. No. 2429, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 669-10 (FIN) and H.B. No. 2937, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 670-10 (FIN) and H.B. No. 2783, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 671-10 (FIN) and H.B. No. 2845, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," were placed on the calendar for Third Reading on March 2, 2010.

Stand. Com. Rep. No. 672-10 (FIN) and H.B. No. 2752, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on March 2, 2010.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, March 2, 2010.

TWENTY-SECOND DAY

Tuesday, March 2, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:05 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Joseph W. Huster, Esq. of Damon Key Leong Kupchak and Hastert, after which the Roll was called showing all Members present with the exception of Representative Karamatsu, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 192) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 192, informing the House that on February 26, 2010, the following bill was signed into law:

H.B. No. 2162, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN." (ACT 001)

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 31) was received and announced by the Clerk:

Sen. Com. No. 31, transmitting S.B. No. 2834, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on February 26, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representative Karamatsu was excused.)

S.B. No. 2834, SD 1

INTRODUCTIONS

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

Representative M. Lee introduced Mr. Matthew Acheson from Brooklyn, New York, one of the puppet artists here to perform the puppet show, *Ko'olau: A True Story of Kaua'i* which was written by Representative Lee's son, Mr. Tom Lee. He was accompanied by legislative staff, Mr. Dwight Nakamura.

Representative Hanohano introduced Ms. Kat Brady with the Community Alliance on Prisons.

ORDER OF THE DAY

SUSPENSION OF RULES

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

CONSENT CALENDAR

UNFINISHED BUSINESS

At 9:12 o'clock a.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:13 o'clock a.m.

At this time, the Chair announced:

"Members of the House. You all recognize that we're suspending the rules of the House to consider certain House and Senate Bills for Third Reading by Consent Calendar. I believe the Clerk has shared this Consent Calendar with all of you.

"For those of you who want to submit written comments, you may do so after the vote. I hope I've clarified this for the Representative from Kahului during the recess.

"Members, at this time there will be no discussion as these items were agreed upon by this Body for placement on the Consent Calendar."

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 463-10) recommending that H.B. No. 2354, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 464-10) recommending that H.B. No. 2897, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2897, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Magaoay's written remarks are as follows:

"Thank you Mr. Speaker. Mr. Speaker, I rise in support of H. B. 2897 H. D. 1. Mr. Speaker, this measure before this Body subjects a contractor to revocation or suspension of its license for knowingly or intentionally employing a person who is not eligible to work in the United States under federal law to perform work on any project or program.

"It is the unscrupulous contractor that knowingly entices an ineligible worker to break U.S. laws who should be penalized accordingly. The passage of this bill levels the playing field for contractors that play by the rules. Bidding will be more competitive, causing government to get better prices, decreasing cost to the Hawaii taxpayer and creating employment opportunities for Hawaii workers.

"Mr. Speaker, please note that there is no targeting of an ethnic minority. There is no targeting of any individual in the measure we have before us. The only target in this bill is those contractors who "knowingly and intentionally" hire a person that does not have the proper permit or status to work in the U.S.

"Mr. Speaker, the two key words are "knowingly" and "intentionally." A contractor knows that an individual is not properly documented to work in the U.S., then chooses to ignore or "turn a blind eye" to this knowledge and hires that person in light of knowledge on the part of the contractor. The contractor has then also intentionally hired the person in violation of this section.

"This section does not require a contractor to look beyond the face of the documentation presented by the prospective employer. Neither does this section require a contractor to test the veracity of the information or documents given by signing up with an information verification service.

"Please note Mr. Speaker, this measure does not recommend or require action by the Contractor's Licensing Board for negligent hiring of an undocumented worker. A negligent or inadvertent hiring could occur if documents presented to the employer were fraudulent. This takes much the same course as the federal government where employers are not held liable for fraudulent documents presented to an employer unless it was the employer who helped create or procure those fraudulent documents.

"It is true that the federal government already regulates in the area of illegal employment of undocumented workers. However, it appears that they will prosecute or indict only the individuals that did the actual hiring or recruiting. Many times this allows owners of the offending companies to continue on with their business with little or no repercussions in spite of the activity of their agents who may or may not have been doing the bidding of the owner.

"Mr. Speaker, the State of Hawaii has the power to regulate many aspects of contractor licensing within the State. Therefore, it should be incumbent upon the State, in order to maintain the professional integrity of the construction trade to ensure that contractors are not engaging in hiring practices that put at risk the public for whom these contractors perform services, by risking quality, safety and training by hiring potentially unqualified and under-trained workers, merely to add padding to a contractor's bottom line.

"In the area of abuses, those undocumented workers hired by the unscrupulous contractors are subject to many potential abuses such as workers living in a warehouse, having 40 people crammed into inappropriate living quarters, or living in converted cargo containers. Historically, the range of abuses that undocumented workers are potentially subject to is far greater than those who would seek to exploit this law to avoid hiring an undocumented worker.

"While the Contracting Licensing Board has limited power to regulate those who operate unlicensed in the industry when it comes to using illegal labor, a law such as this will ensure that an unscrupulous contractor cannot make huge labor cost savings through the use of illegal labor, since most undocumented workers are paid under the table and in cash, avoiding income tax withholding, as well as workers' compensation and other fees that legitimate contractors must account for in their labor costs. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 465-10) recommending that H.B. No. 2548, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 467-10) recommending that H.B. No. 2575, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2575, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 470-10) recommending that H.B. No. 2383, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2383, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 472-10) recommending that H.B. No. 2404, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 473-10) recommending that H.B. No. 2693, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2693, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 474-10) recommending that H.B. No. 2020, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2020, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 476-10) recommending that S.B. No. 898, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 478-10) recommending that S.B. No. 549, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 549, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT," passed Third Reading by a vote of 51 ayes.

Representatives Karamatsu and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 479-10) recommending that H.B. No. 2297, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2297, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Third Reading by a vote of 51 ayes.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 480-10) recommending that H.B. No. 2417, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2417, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 485-10) recommending that H.B. No. 2921, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2921, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 557-10) recommending that H.B. No. 2503, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2503, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2503, House Draft 1, Relating to the Environment. This measure allows money in the Pesticide Use Revolving Fund to be used for compliance monitoring activities, expanding the Fund's range currently covering registration, licensing, certification and education.

"According to the Department of Agriculture's testimony,

"Compliance monitoring surveillance is an integral part of ensuring protection of the public and the environment. Conducting actual use inspections of agricultural and non-agricultural entities is the most important component of compliance monitoring; detecting violations before they occur rather than responding to post-use complaints."

"Mr. Speaker, the Chair of the Agriculture Committee and the Department of Agriculture have repeatedly emphasized at informational briefings and hearings that current budget cuts have decreased the amount of inspection staff at our airports and harbors. Consequently, this has lessened the amount of security in these places where the State receives foreign and local agricultural products, and possibly invasive species.

"I have heard of various examples of the effects of minimized inspection staffing across the board due to funding issues. The Department of Agriculture has stated in their testimonies that management of the Pesticides Program has been challenging with the absence of a Branch Manager, and that task has now been temporarily assumed by the Plant Industry Administrator, in addition to that individual's other administrative duties. At the airports, offices have been deserted so staff may cover the floor, which is now lacking inspectors in baggage claim and other vital checkpoints. Very recently, Mr. Speaker, I was informed that some dogs and endangered species have been brought in without proper methods of inspection. The Department of Agriculture has pointed out that unlike the vocal coqui frogs, some invasive species which may come in with product shipments may not be properly identified until an outbreak has occurred.

"Allowing the Pesticide Use Revolving Fund to include compliance monitoring activities is crucial to the preservation of our State. Funding is needed to ensure the safety of our entrance points. Mr. Speaker, I am in support of this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 561-10) recommending that H.B. No. 2294, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2294, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I rise in support of the measure. The ability to move products in and out of the State, as well as interisland is critical to the agriculture industry and the State's economy. Yet there has been a substantial decrease in agricultural inspection services statewide due to the mandated RIF within the Department of Agriculture. Some Neighbor Island airports find themselves confronted with the challenge of having only one inspector with no alternative staff when that employee is on sick leave or vacation. This is just one example of how a point of entry can become vulnerable to invasive species.

"This bill would provide a committed source of funding for the inspection, quarantine, biosecurity, and eradication programs of DOA. Reasonable service fees and meaningful fines for failure to pay such fees are appropriate ways to support the critical functions of the Department of Agriculture. There are allowable exemptions from these fines under certain provisions, and this addresses the needs of numerous bulk-freight related businesses.

"The recent discovery of a male coqui frog in Manoa should serve as a reminder of the constant threat of invasive species gaining ground in Hawaii. This legislation provides for invasive species inspection plus quarantine and eradication activities. I urge my colleagues to support it."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2294 House Draft 2, Relating to Agriculture. This measure seeks to provide a dedicated source of funding for the Department of Agriculture's inspection, quarantine, biosecurity, and eradication programs through various methods.

"The addition of the Pest Inspection, Quarantine and Eradication Special Fund's (PIQEF) coverage to include biosecurity services is crucial to the preservation of our State. Hawai'i imports approximately 85% of its food from out-of-state, a fact that requires us to better safeguard our entry ports from invasive species and foreign diseases. By focusing on funding for biosecurity services and programs, we are ensuring that agricultural products coming into Hawai'i are inspected appropriately, and negative environmental impacts of any invasive species are deterred.

"Mr. Speaker, the combination of funneling agricultural fees and fines into PIQEF and repealing both the Permit Revolving Fund and Microorganism Import Revolving Fund with money from those funds being diverted into PIQEF, minimizes the amount of existing special funds. It delegates PIQEF as an all-encompassing appropriation source which provides for pest inspection, quarantine, eradication and monitoring services, as well as the training and education of inspectors and the agricultural industry, permit and certificate holders, and the general public.

"Mr. Speaker, in regards to the regulation of charging agricultural fees and fines, the Department of Agriculture has stated that by providing penalties for failure to pay or remit the service fees as proposed in this bill, accountability is established for the collection and remittance of these fees to the Department. The proposed provisions in the measure assure the proper collection and deposit of the inspection, quarantine, and eradication service fees for incoming commercial freight.

"Mr. Speaker, fee exemptions for aggregate bulk freight, cement bulk freight, coal bulk freight, and liquid bulk freight are supported by both the Department of Agriculture and the State's shipping and freight companies. Concerns from the Department and the Nature Conservancy regarding bulk freight vessels as vectors of invasive species such as insects, rodents, and other human-related disease pathogens are addressed by existing safety processes in place. Strict quality control standards of the American Society for Testing and Materials are designed to detect and prevent harmful and organic material in finished granite products. According to Hawaiian Cement, cement cargo is not a compatible environment to

invasive species. When introduced to moisture, cement develops a high level of acidity, which renders it incapable of sustaining most living organisms. Lastly, ships' cargos are subject to inspection and cleared by the United States Department of Agriculture prior to discharge in Hawaii. The fee exemptions are simply one way of expediting shipments into our islands without compromising security measures.

"Mr. Speaker, thank you for allowing me to express the reasons why I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2294, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 564-10) recommending that H.B. No. 1927, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1927, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 566-10) recommending that H.B. No. 2058, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 570-10) recommending that H.B. No. 2831, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2831, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 573-10) recommending that H.B. No. 1852, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 574-10) recommending that H.B. No. 1854, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1854, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 577-10) recommending that H.B. No. 2277, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2277, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto's written remarks are as follows:

"HB 2277, HD1 authorizes the issuance of special purpose revenue bonds in the amount of $20 million for Kaimuki Christian School in Honolulu. Kaimuki Christian's campus improvement project, which is what these bonds will be used for, will be accomplished in three phases. Phase one will include a new facility for the expanding preschool through grade 8 classes and space for enrichment programs such as music, art, and computer sciences. A preschool playground area and new administrative offices will also be built. Phase two will center around a 116-stall multi-level parking structure and gymnasium. Finally, Phase three of construction will provide a permanent home for the high school that Kaimuki Christian plans to launch in the fall of 2012. When these three phases are completed, the new facilities will allow Kaimuki Christian to increase enrollment by over 70%.

"Founded in 1968, this school is a ministry of Kaimuki Christian Church and incorporates into its educational program Christian values and perspectives. The belief that solid teaching, a challenging curriculum and a caring environment are important components of a child's education has brought Kaimuki Christian into the realm of excellence.

"In 1995, Kaimuki Christian expanded to include a middle school, serving preschool through grade 8. From the school's inception, and for nearly thirty years, Helen McKenzie was the guiding light as principal. Kaimuki Christian recently honored Helen McKenzie at its gala 40th Anniversary dinner. Helen's son-in-law, Mark Gallagher is the current principal.

"It is for the worthy purpose of expanding this school that I am in favor of HB 2277, HD1, authorizing special purpose revenue bonds for Kaimuki Christian School."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 583-10) recommending that H.B. No. 2497, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2497, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 590-10) recommending that H.B. No. 2052, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2052, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 592-10) recommending that H.B. No. 2641, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 593-10) recommending that H.B. No. 823, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 823, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 594-10) recommending that H.B. No. 1902, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 595-10) recommending that H.B. No. 2094, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 596-10) recommending that H.B. No. 2170, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 600-10) recommending that H.B. No. 2152, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2152, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support HB 2152, H.D. 1 which allows the Disability and Communication Access Board (DCAB) to charge a fee to defray expenses of reviewing construction plans to ensure compliance with the law. This bill will give DCAB the authority to charge a review fee to keep its review process functioning, while providing a revenue stream to offset the loss of general funds.

"Hawaii Revised Statutes (HRS) §103-50 effectively requires DCAB to advise and make recommendations on any construction plans prior to commencing with construction to ensure plans and specifications of State and county buildings, facilities, and sites comply with federal accessibility guidelines. In short, without providing a way for DCAB to continue this role, public works will grind to a halt and more of our construction workers will remain on the bench. The bill proposes a plan review fee based on the project's estimated construction cost. The proposed fees are comparable to the State of California's access compliance review fee schedule.

"DCAB conducted 1,126 plan reviews in FY 2009. Based on the number of reviews in FY 2009, the proposed plan review fee schedule is estimated to generate $490,000.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 603-10) recommending that H.B. No. 2061, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2061, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 606-10) recommending that H.B. No. 2784, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 611-10) recommending that H.B. No. 2163, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2163, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2163, Relating To Salary and Pension Payments. This bill requires all government employees hired prior to July 1, 1998, to designate a financial account into which the State may deposit the employees' pay by an unspecified date.

"Currently, almost 40% of Department of Education employees still have not opted to have direct deposit of pay. As recently experienced during the furlough days' implementation and their impact on paycheck processing on paydays that coincide with furloughs, many employees without direct deposit were significantly inconvenienced.

"In addition, the logistics of island-by-island distribution of paychecks were extremely challenging on paydays falling on furlough days. In many cases, employees not on direct deposit had to wait until the following week for their paychecks to be available.

"This bill resolves these problems by requiring all employees to utilize direct deposit of their paychecks. Accordingly, I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2163, entitled: "A BILL FOR AN ACT RELATING TO SALARY AND PENSION PAYMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 612-10) recommending that H.B. No. 2538, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2538, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2538, Relating to the Payment of Employees' Retirement System Benefits. This bill:

(1) Requires all retirees and beneficiaries of the Employees' Retirement System (ERS) be paid monthly;

(2) Requires all retirees and beneficiaries of the ERS to designate a financial institution account into which the ERS be authorized to deposit their state retirement system benefits;

(3) Requires the ERS to provide for the transition from semimonthly payments to monthly payments by adjusting the dates on which the semimonthly payments in January 2011 and February 2011 are made; and

(4) Takes effect on January 1, 2011.

"According to the Employees' Retirement System, approximately 25,700 pensioners and beneficiaries out of 38,000 will be paid on a monthly rather than semi-monthly basis. In addition, approximately 1,400 of these recipients will have their benefit payments deposited directly into a financial institution instead of receiving paper checks.

"This measure will result in cost savings in postage, check printing, check imaging, and bank fees; and will also increase the ERS' investment earnings. The ERS estimates that this proposal will add approximately $955,000 annually to the ERS' bottom line.

"When this measure was heard, concerns were raised that the changing payment methods to retirees may present a financial burden to older retirees. As such, your Committee on Finance strongly encourages the ERS to clearly inform those affect by these changes well in advance of the change.

"I urge my fellow colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2538, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 615-10) recommending that H.B. No. 2533, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2533, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2533, House Draft 1, Relating to the Employment of Employees' Retirement System Retirements. This bill:

(1) Prohibits a retirant from being employed by the State unless the retirant is reenrolled in the Employees' Retirement System (ERS) except under certain situations; and

(2) Requires the Director of Human Resources of the appropriate State jurisdiction or the human resources management chief executive of a county to submit an annual report to the Legislature detailing the employment of positions in labor shortage or difficult-to fill positions, and teachers.

"According to the Employees' Retirement System (ERS), this bill is intended to protect the tax exempt status of the ERS by providing penalties for retirants who are reemployed in violation of Chapter 88, Hawaii Revised Statutes, and the Internal Revenue Code of 1986, as amended.

"This bill also provides a more comprehensive structure by including certain provisions of Act 286, Session Laws of Hawaii (SLH) 2006 (retired teachers and Department of Education administrators employed in teacher shortage areas or mentors for new teachers), and Act 156, SLH 2008 (labor shortage or difficult-to-fill positions).

"During the public hearing on this measure, concerns were raised regarding the need for an appeals process for situations as those in which an employee or employer is determined by the ERS administrator to be at fault, but there is disagreement in the findings. Because of this, your Committee on Finance urges the ERS to work with employee representatives to address these concerns through the adoption of administrative rules.

"I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2533, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 620-10) recommending that H.B. No. 2092, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2092, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 627-10) recommending that H.B. No. 2022, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2022, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 629-10) recommending that H.B. No. 2605, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2605, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 631-10) recommending that H.B. No. 2583, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2583, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 634-10) recommending that H.B. No. 1808, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1808, HD 3, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 637-10) recommending that H.B. No. 2449, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2449, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BOARDS OF WATER SUPPLY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 646-10) recommending that H.B. No. 2855, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2855, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2855, House Draft 2, Relating to the Employees' Retirement System. This bill:

(1) Requires the Board of Trustees (Board) of the Employees' Retirement System (ERS) to conduct a study to establish a plan to fully amortize the unfunded actuarial liability of the ERS over a thirty-year period commencing July 1, 2012, and submit the proposed amortization plan accompanied by any proposed legislation necessary to implement the plan to the 2012 Legislature; and

(2) Authorizes the Board to recommend lesser benefits, greater contributions, or other less advantageous provisions for new employees than those for current employees.

"As reported in the ERS' 2009 Actuarial Valuation Report, as of June 30, 2009, ERS' unfunded actuarial accrued liability increased from $5.2 billion to $6.2 billion and ERS had a 64.6% funded ratio. This ratio represents the percentage of funds ERS has on hand to cover current and future pension benefit payments.

"It was the diversion of over $1.6 billion in ERS' excess investment returns since the 1960s that increased the unfunded liability and prevented the ERS from establishing a reserve to weather the years of poor investment returns, like the 2000-2002 and recent bear markets.

"Facing a budget gap of approximately $2.7 billion for FY09-11, the Administration implemented actions intended to be "one-time" in nature to balance the budget. Among these were the delayed payment of the State's contribution to the Employees' Retirement System and the Hawaii Employer-Union Health Benefits Trust Fund in FY2009, and delays in tax refunds for FY11. These actions do not absolve the State from these liabilities. Rather, they shift the burden onto future fiscal years.

"Furthermore, not only do these actions jeopardize the timely provision of necessary services and benefits, but it also skews the financial planning for future fiscal years.

"Because of these actions and declining revenues, Moody's Investor Service downgraded the State's outlook on the State's bond rating from stable to negative. Cited in this downgrade was the State's increased use of "non-recurring solutions to balance the budget."

"In this time of economic uncertainty and increasing pension liability, it is not only prudent, but necessary to look at ways of addressing the shortfall. That is exactly what this bill does. Accordingly, I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2855, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 652-10) recommending that H.B. No. 2708, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2708, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I am standing in support of HB 2708 HD1. This bill would require the Department of Transportation to develop and implement a public involvement process when carrying out any transportation project in the State.

"The intent is to allow people an opportunity to provide comments on projects that may affect their communities. This is to ensure people that public participation and collaboration is welcomed in a fashion where their comments have a chance to be implemented. It empowers communities and residents and reminds them that they have a say in deciding what goes on in government. For these reasons, I support HB 2708 HD1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2708, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 654-10) recommending that H.B. No. 2775, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2775, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 655-10) recommending that H.B. No. 2706, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2706, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of HB 2706 HD1. Mr. Speaker, the bill's intention is to find ways to strengthen our economy. It would allow high worth individuals—both Hawaii residents and non-residents—to transfer a percentage of their net worth into our State for asset and trust management. This injects out-of-state money into Hawaii's economy, provides State revenues, and allows our State to become a world-class place to invest and manage their assets.

"The assets referred to are liquid assets as defined in the bill's language and does not allow real estate to be transferred in these trusts. I believe Mr. Speaker that this legislation would be truly beneficial for our State, both in the near and distant future. Certainly, in these times of fiscal struggles, this would be welcomed and serves as another possible revenue stream for our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 656-10) recommending that H.B. No. 2639, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 658-10) recommending that H.B. No. 2054, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2054, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 664-10) recommending that H.B. No. 2248, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2248, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this bill is to improve interstate adult guardianship and protective proceedings by, among other things, establishing uniform rules regarding court communication, jurisdiction, and transfers of guardianship or conservatorship. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 667-10) recommending that H.B. No. 1287, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1287, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1287, Relating to Public Employment. This bill:

(1) Extends the enabling law for the Voluntary Employees' Beneficiary Association (VEBA) Trust for six months in order to provide for a smoother transition to the Hawaii Employer-Union Health Benefits Trust Fund (EUTF);

(2) Appropriates funds for five temporary positions to assist in the VEBA Trust transition; and

(3) Appropriates funds for five permanent positions to perform other EUTF duties.

"According to Auditor Marion Higa, the VEBA "carves into the EUTF health plan and negatively impacts the EUTF and the state employer." For this and other reasons, the Legislature declares that it does not intend to make the enabling law permanent or to extend the sunset date for another pilot testing period.

"The repeal of the VEBA statute will require the transfer of at least 13,081 active teachers, and 1,995 teacher retirees to the EUTF.

"The EUTF Member Service Branch is currently facing mounting workloads beyond its capacity to handle because of inadequate staffing levels and furloughs, the recent computer system conversion, and the implementation of a new PPO plan and restructuring of PPO plan offerings.

"This bill will provide the EUTF with the necessary time and resources to facilitate the transfer of VEBA beneficiaries into the EUTF. This measure also has the strong support of the Department of Budget and Finance and the Governor. Accordingly, I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1287, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 670-10) recommending that H.B. No. 2783, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2783, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker I rise in support of House Bill 2783, House Draft 2, Relating to General Excise Tax. The purpose of this bill is to exempt from GET amounts up to $400,000 per year beginning January 1, 2010 on the taxable amount received by the operator of a hotel from a time share association, and amounts received by the suboperator of a hotel from the owner of the hotel, time share association, or the operator of the hotel. This exemption is also retroactive to July 1, 2006 and sunsets on June 30, 2015. Furthermore, this bill repeals the GET exemption with a $400,000 cap for operators, suboperators and submanagers applicable to taxable years ending on or between January 1, 2010 and January 1, 2011.

"Although the State is facing difficult economic times and is challenged with balancing the budget, the exemption provided for in this bill is necessary to level the playing field for local companies managing hotels, timeshares, or condo-tels. By exempting pass through income operators and suboperators receive for employee wages and benefits, this bill ensures that the operating costs of the cyclical tourism industry in Hawaii remains reasonable and on par with other markets worldwide. If not exempted, these amounts employees receive may be reduced. It is to the State's benefit to provide that these sums are paid by local operators to local employees and vendors. Keeping costs competitively priced also encourages additional hotel, timeshare and condominium development.

"Additionally, Mr. Speaker, the tourism industry provides highly skilled and highly compensated sales and marketing jobs for the people of Hawaii. The exempted hotels, timeshares and condo-tels are a vital part of Hawaii's economy and it was noted by the American Resort Development Association that timeshares have high and consistent rates of occupancy and customer satisfaction that keep visitors coming back to our islands.

"The bill also clarifies and further refines the application of the operator and suboperator exemption. This bill is necessary to clarify a previous DoTAX announcement that stated that the $400,000 cap applied to gross amounts which would not significantly benefit operators and suboperators the exemption seeks to assist.

"Mr. Speaker, I would like to stress that this is only a temporary measure with a sunset date in 2015. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2783, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 51 ayes.

THIRD READING

S.B. No. 2246, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 840, HD 1:

Representative B. Oshiro moved that H.B. No. 840, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker I rise in support of this measure because the ability to use information charging for the class B felonies listed in this bill will save significant judicial, prosecutorial, and police resources.

"This bill will amend HRS §806-83 to add the following three felony offenses to the list of felonies that may be charged by written information:

Unauthorized Possession of Confidential Information, Unauthorized Entry in a Dwelling, and Methamphetamine Trafficking in the 2nd Degree.

"Information charging was instituted in 2004 to streamline the criminal justice system by allowing the charging of certain felonies by the submission of documents setting forth probable cause to a judge rather than requiring witnesses to come forth to testify at court.

"Mr. Speaker, additions of these felonies are very valid and appropriate:

1. Unauthorized Possession of Confidential Information is often charged along with forgery, theft, and identity theft offenses, all of which are currently included in the information charging provisions.

2. Unauthorized Entry in a Dwelling is another form of burglary and therefore should be included.

3. The inclusion of the class B felonies involving methamphetamine would be consistent with the intent of past legislation in Act 62 of 2004 to allow class B felonies, including methamphetamine, to be initiated by information charging.

"The aforementioned felonies were all created after the institution of information charging in 2004 and thus were not included in the original list of offenses eligible for information charging.

"In these difficult fiscal times, it is important to note that information charging has eliminated the need to pay witness fees and alleviates the requirement to have police officers waiting at court to testify, thus sparing police resources.

"Information Charging Statistics (provided by Attorney General's testimony) state that a total of 2188 cases, from 2004 to 2007, were conferred for information charging. Witnesses saved by information charging include:

3932 for HPD Officers;
998 for HPD personnel; and
2972 for civilian victims/witnesses.

"The passage of this measure will spare more victims and witnesses from going to court to testify at probable cause hearings, more officers will be able to stay on the job protecting and serving the community, the State will continue to see a financial savings, and fair, effective information charging will become an even greater asset to the our state's criminal justice system. For these reasons, I urge my colleagues to support this measure."

The motion was put to vote by the Chair and carried, and H.B. No. 840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

H.B. No. 1019, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 51 ayes.

H.B. No. 2741, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2741, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1985:

Representative B. Oshiro moved that H.B. No. 1985, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1985, Relating to Taxation, which requires the Department of Taxation to provide the Legislature with an annual report on Hawaii income patterns of individuals, a biennial report on Hawaii income patterns of corporations, proprietorships, and partnerships; and an annual report on tax credits.

"This bill increases the transparency of government by specifically delineating when these vital reports are required to be published by the Department of Taxation. These reports help taxpayers and policy makers evaluate what the State government's goals and initiatives are and help to identify which industries and areas are benefitting from tax credits and whether or not these industries are beneficial to the State.

"The timely release of information provided in these reports aid policy makers evaluate where tax expenditures of the state have taken place. With current information legislators can more accurately determine if there needs to be changes to tax law. Mr. Speaker, this bill is essential to help the legislature more effectively create policies that benefit the interests of the people of the State of Hawaii.

"Mr. Speaker, DoTAX has updated computer technology available to them so the delay in producing these reports is inexcusable. Consistent reporting of this important tax information has been lacking; the reports referenced in this bill are published on a lag basis. The most current report for income patterns of corporations is from tax year 2002 while the most current reports for the income patterns of individuals and tax credits claimed are from tax year 2005.

"An example of the negative impact of the untimely nature of these reports is that the Tax Review Commission's ability to analyze the effects of the high-tech credits and other taxes has been hindered. We do not yet know the effects of the high tech tax credit because of the lag in reporting. This inefficiency of government can no longer be tolerated when adequate technology already exists in the Department of Taxation to allow for timely publishing of these reports.

"For these reasons, Mr. Speaker, I strongly support House Bill 1985, Relating to Taxation."

The motion was put to vote by the Chair and carried, and H.B. No. 1985, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2523:

Representative B. Oshiro moved that H.B. No. 2523, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2523, Relating to the Aloha Tower Development Corporation (ATDC). This measure seeks to make an emergency appropriation to increase ATDC's special fund ceiling by $900,000 for fiscal year 2009-2010 to pay a one-time settlement amount of $1,550,000 to Kenneth H. Hughes, Inc. ("Hughes") to settle all claims, including rejection of all claimed rights to lands at ATDC, arising out of or with respect to a Development Agreement between ATDC and Hughes dated October 12, 2004 (*Kenneth H. Hughes, Inc. v Aloha Tower Development, Corp., Civil No. 09-00277 DAE-BMK, USDC).*

"The original total amount awarded to Hughes in the first proceeding from May 2008 through April 2009 was just over $1.6M. In the first trial the arbitrator awarded Hughes damages for "lost investment time" in the amount of $741,544.59, costs incurred of $162,047.90, pre-award interest of $271,755.44, and post-award interest at the rate of 10% per year. After several proceedings, at the mandate of the U.S. District Court, settlement efforts were conducted with the assistance of a Magistrate and an agreement was reached to resolve the entire dispute for the total sum of $1.55M, in total and complete payment of all amounts due or claimed by Hughes, including any interest or attorneys' fees.

"Mr. Speaker, under the circumstances, the stipulated judgment with Hughes represents a significant savings, and avoids future harmful decisions against the State if the arbitrator's rulings remained as legal precedent. Interest on the arbitration award would by now have increased the arbitration award of $1,600,000 by nearly $107,000. This last settlement agreement has vacated the adverse ruling as to sovereign immunity and an appeal on that issue is no longer needed, saving taxpayer money and allowing the courts to rule on other pressing cases. The State cannot afford to pay this additional amount nor spend vital time and court resources on an additional settlement agreement.

"With the passage of this measure ATDC will be able to move forward and focus on its short term and long term development plans set forth in its Strategic Plan and Development Framework. For these reasons Mr. Speaker, I support House Bill 2523."

The motion was put to vote by the Chair and carried, and H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2596:

Representative B. Oshiro moved that H.B. No. 2596, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2596, Relating to Tax Credits. This bill provides for the statutory ordering of income tax credits, which requires the claiming of refundable credits first, followed by nonrefundable credits.

"By requiring refundable credits to be used first, general fund payouts to taxpayers in any given year beyond reducing tax liability to zero will be substantially reduced, providing some relief to the general fund and have an annual revenue gain of approximately $17M for at least two years after the measure has been implemented.

"DoTAX has stated that this bill will not create any material financial loss for taxpayers. The only financial loss is the time value of money. In most instances, taxpayers will not lose any credit, rather they will have to use them in future tax years as credits carried forward are allowed to be carried forward indefinitely until exhausted. Taxpayers with additional refundable tax credits beyond tax liability will still receive a refund.

"Mr. Speaker, ensuring the efficient administration of our State's tax credits and budgeting certainty will go a long way in aiding the State to survive and thrive in this recession. For these reasons, Mr. Speaker I support this bill."

The motion was put to vote by the Chair and carried, and H.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 51 ayes.

H.B. No. 2505, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," passed Third Reading by a vote of 51 ayes.

H.B. No. 2532, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 51 ayes.

H.B. No. 1922, HD 1:

Representative B. Oshiro moved that H.B. No. 1922, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1922, House Draft 1, Relating to Taxation. This bill requires transferors of real property located in Hawaii to furnish a tax clearance to the Bureau of Conveyances before recording the transfer. It also authorizes the Director of Taxation to require escrow depositories remit taxes by electronic funds transfer if the depository is required to file a return of the tax withheld on a real property transfer. Additionally, this bill requires an escrow depository filing a return on behalf of a transferee to file not more than two working days following the authorization date and deliver a receipt to the transferee, which is subject to a $100-per-day late fee.

"This bill is necessary, Mr. Speaker, because uncollected TAT and GET on rental income by nonresident real property owners is a problem for the State. As identified in the 2005-2007 Tax Review Commission Report, these uncollected TAT and GET become lost income and falls out of the State's jurisdiction when the property is sold and transferred. With nonresidents particularly, tax compliance can be poor because of unfamiliarity with laws and obligations. By serving as a condition precedent to obtaining a deed, this tax clearance will ensure that all taxpayers, including non residents, pay their fair share of taxes in Hawaii.

"During this difficult economic period, government must ensure that the total amount due to the State is collected in order to maintain vital programs and avoid costly raises in taxes and the cost of living here in Hawaii. This measure will generate income by aiding collection of taxes that had previously gone unpaid and creating a penalty fee based system for these violations.

"For these reasons Mr. Speaker, I stand in strong support of House Bill 1922, House Draft 1, Relating to Taxation."

The motion was put to vote by the Chair and carried, and H.B. No. 1922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 40, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 51 ayes.

H.B. No. 2186, HD 1:

Representative B. Oshiro moved that H.B. No. 2186, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2186, House Draft 1, Relating to Improper Payments Elimination and Recovery. This bill establishes procedures to eliminate and recover improper payments made by a State agency, State contractor, State grantee, or a governmental or other organization administering a State program or activity, to any non-State person or entity. It also requires the head of each agency to conduct a financial management improvement program and additional reporting requirements for State agencies consistent with rules prescribed by the Director of Finance.

"This bill is necessary to create a system to ensure proper procurement of State agencies, address improper spending in a timely manner, and improves financial management of State agencies. Proper procurement has been a recurring issue within many State departments. Whether due to inefficiency, fraud, or incompetence, proper procurement needs to be addressed and eliminated.

"At a time where the expenditure of every State dollar matters, this bill provides for more accountability of financial transactions within State agencies. This bill also saves money by establishing a clear system to recover improper payments which will benefit the State budget. Future

spending errors are also avoided with the passage of this bill by requiring the Director of Finance to make recommendations to avoid additional financial errors.

"In addition to saving the State money this bill also increases transparency of spending by requiring an annual report of improper spending to the Legislature. With this report the Legislature can effectively gauge the efficiencies and inefficiencies of state agencies and departments making cuts and recommendations to benefit and serve the people of Hawaii when necessary.

"For these reasons, Mr. Speaker, I support the favorable passage of House Bill 2186, House Draft 1."

The motion was put to vote by the Chair and carried, and H.B. No. 2186, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROPER PAYMENTS ELIMINATION AND RECOVERY," passed Third Reading by a vote of 51 ayes.

H.B. No. 2594, HD 2:

Representative B. Oshiro moved that H.B. No. 2594, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2594, House Draft 2, which creates conforming amendments to the Hawaii income tax law based upon amendments to the Internal Revenue Code for calendar year 2009. This bill is necessary to amend the Hawaii income tax law to match tax measures enacted by Congress to stimulate the economy and provide taxpayer relief. The tax measures that impact the State's conformity to the Internal Revenue Code are the American Recovery and Reinvestment Act of 2009 (ARRA), and the Worker, Homeownership, and Business Assistance Act of 2009 (WHBA). The enacted legislation provides incentives to invest in capital items and relief to individual taxpayers.

"In its testimony to the Finance Committee the Department of Taxation stated that the measure "*will neither materially reduce or increase revenues…Given the current fiscal environment, the Administration proposes to not conform to any Internal Revenue Code change that would result in a negative impact to the general fund."* The neutral impact to the State's general fund is obtained by adjusting three revenue estimates provided to the U.S. government by the Joint Committee on Taxation. The first assumes Hawaii's economy is roughly 0.5% of the total U.S. GDP. The second assumes that the State average effective tax rate is one-quarter of the federal Individual Income Tax and 18% of the federal for the Corporation Income Tax. The third assumes the federal fiscal year ends September 30.

"The tax credits and reductions in interest rates will reduce the tax burden that Hawaii residents and businesses are required to pay, allowing that money to instead be spent stimulating the local economy. Using the multiplier effect, this money will create additional business for local companies and generate more income for employees as well.

"Mr. Speaker, for these reasons I support House Bill 2594, House Draft 2."

The motion was put to vote by the Chair and carried, and H.B. No. 2594, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 51 ayes.

H.B. No. 2311, HD 1:

Representative B. Oshiro moved that H.B. No. 2311, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, In support of HB 2311 with reservations [*sic*], Mr. Speaker. HB 2311 is probably the most misunderstood or misconstrued bill of this Legislative Session. I heard testimony after testimony, both oral and written in support of flying the US and the State flag. Who is not in support of flying the US or the State flag, Mr. Speaker? We all are. Somehow the bill was misconstrued to be one that hindered the flying of the flag.

"The US Constitution, through The Freedom to Fly the Flag Act of 2005 which was put into law in 2006, mandates that the US Flag can be flown within PCA's with reasonable restrictions. We now have a law, Mr. Speaker. We as a Body have been criticized of writing duplicative and unnecessary laws. This is one of them.

"First of all, the bill is about erecting flagpoles. Erecting flagpoles within PCA's with reasonable restrictions just like how the flag law is written. Now going through the constitutional challenges of this flagpole bill, it made me realize the wisdom in crafting the federal legislation, the Freedom to Fly the Flag Act of 2005, did not address the flagpole issue. What HB 2311 fails to do is to articulate what type of flagpole the bill is trying to erect. Is it three feet, five feet, or 100 feet? I don't know. What does erecting a flag pole means? Does it mean a flagpole mounted on a 3x5 concrete slab, or tucked in on the wall in front to the house? The bill leaves me with a thousand possibilities.

"The bill also states that the flagpole restriction is limited to aesthetic reasons only - could it mean a nice flagpole made of 1-ply aluminum would be sufficient? Then at the end it says that PCA's can impose reasonable restrictions. What is a reasonable restriction? What does the bill accomplish, Mr. Speaker? Nothing. It just raises more questions to be answered. The bill needs more specificity.

"Mr. Speaker, you can now fly the American flag, even inside planned community associations. The residents just need to assert that right as provided by federal law. We have passed laws such as condo court, dispute resolution mandates. We also have the ACLU, The Disability Rights Center for the veterans that are handicap, grievance procedures through the Veterans Administration, and so on and so forth, not to mention that this is a civil court matter if the association forbids the flying of the flag. I have no knowledge what remedies that were taken prior to this bill's introduction.

"We all know that there are covenants inside these community associations. When you buy into these communities, you also agree to abide by these rules. There are hundreds of thousands of residents within these condos and planned communities whose voices need to be heard as well. Do they welcome these flagpoles not knowing what size we are talking about?

"No one came to talk to me or to any Member of the Committee to justify the need for this legislation. No one showed up at the hearing. All I know about the need for this legislation is what I have seen on the six and ten o'clock news. This is a media event, motivated by political desires.

"I love and honor the flag, Mr. Speaker. With that love and honor comes responsibility to protect its dignity and honor. Mr. Speaker, I am a member of the US Army Reserves and a Lieutenant Colonel. I have served for 23 years both in active duty with the Army, as well as in the Reserves, and I have served through three different conflicts. I live in a community association and I fly the flag attached to my house. I fly that flag in honor of my buddies who are currently deployed. I do not believe that erecting a flag pole will be of a greater honor to them.

"I wanted more discussion to determine if the protocols of flying a flag on a flagpole are going to be followed as prescribed by Title IV, US Code 36. Protocols such as raising the flag at dawn and retiring it at sunset. If you are to fly it overnight, you need to have a spot light shinning on the flag. You must know when to fly it half or full mast. You must know how to properly dispose of it when it gets old and tattered. To fly a flag on a flagpole requires commitment. I am not saying that they will not be committed to such protocols, but I want to make sure that everyone understands and agrees.

"I gave HB 2311 a hearing Mr. Speaker, but no one – no one, Mr. Speaker showed up at the hearing. Not even one veteran showed up Mr.

Speaker. What I know about this measure was from a lone veteran crying on TV asking for sympathy. I have no idea what remedies he already took to convince the association to allow him to erect a flagpole. Did he put in an application to the design committee? Did he talk to the association board of directors or the management company? Did he talk to his neighbors? Did he circulate a petition? We do not know that, but yet we are being asked to write laws that will override the covenants of hundreds of thousands of planned community residents. These residents may not have any opposition to these flag poles, however we cannot assume that because we have not involved them in the discussion. We need to give them the time to assimilate what is going on.

"I am grateful for the media event that came with this bill Mr. Speaker, however the message is grossly misconstrued. This bill is not the prohibition of flying a flag. It is about erecting flagpoles. I have no problem with that either Mr. Speaker, however let us make sure that this is what these communities want to do. I am not saying that their passion for flying the flag on a flagpole should be ignored. It just can't be fitted within a time-certain Legislative Session. The discussion should be during the interim and we can ask for a task force to promulgate rules and protocols that people can agree on. And if they cannot agree, then we may need to introduce legislation.

"I find their analogy very disturbing - comparing the hanging of laundry and the hanging of the flag. This justifies more reason to discuss this bill further. Yes, they are both made of material Mr. Speaker, but nothing compares to the symbolism of our flag.

"We respect our veterans Mr. Speaker, and we will never forget the sacrifices that they and their families made for our country. Not passing this bill this Legislative Session should not be seen as our disrespect of their wishes. Mr. Speaker in this Legislative Session, we are dealing with a State that is financially challenged. We do not have money to keep our children in school. Small businesses are closing because we have overburdened our unemployment insurance safety net, necessitating business to contribute more. Homelessness is increasing because of lack of funding. We do not have funds to pay for the services for the poor, the aged, and the handicapped. Our people need jobs. Our homes are being foreclosed on, Mr. Speaker.

"I ask my fellow veterans to be patient and understanding."

The motion was put to vote by the Chair and carried, and H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 2724, HD 1:

Representative B. Oshiro moved that H.B. No. 2724, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Karamatsu's written remarks are as follows:

"I rise in support. House Bill 2724, House Draft 1 will help protect dogs from cruelty, yet it is flexible enough to allow the training of working dogs in various industries in the state of Hawaii. Specifically, the bill further defines the offense of cruelty to animals in the second degree by requiring that tethering, fastening, tying, or restraining a dog to a doghouse, tree, fence, or any other stationary object or to a cable trolley system cannot be done in a cruel or inhumane manner. It requires that a tether or chain cannot weigh more than ten per cent of the weight of the dog tethered, and the tether or chain must have a swivel on at least one end. Further, one cannot tether, fasten, tie, or restrain a dog younger than two months old.

"Finally, in addition to the misdemeanor penalty currently in law, this bill mandates fines of $50 for a first offense and $200 for any subsequent offense. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2724, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Third Reading by a vote of 51 ayes.

At 9:16 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2354, HD 1
H.B. No. 2897, HD 1
H.B. No. 2548, HD 1
H.B. No. 2575, HD 2
H.B. No. 2383, HD 1
H.B. No. 2404, HD 1
H.B. No. 2693, HD 1
H.B. No. 2020, HD 2
S.B. No. 898, SD 2, HD 1
S.B. No. 549, SD 1, HD 1
H.B. No. 2297, HD 2
H.B. No. 2417, HD 2
H.B. No. 2921, HD 2
H.B. No. 2503, HD 1
H.B. No. 2294, HD 2
H.B. No. 1927, HD 2
H.B. No. 2058, HD 1
H.B. No. 2831, HD 2
H.B. No. 1852, HD 1
H.B. No. 1854
H.B. No. 2277, HD 1
H.B. No. 2497
H.B. No. 2052
H.B. No. 2641, HD 1
H.B. No. 823, HD 2
H.B. No. 1902, HD 1
H.B. No. 2094
H.B. No. 2170, HD 1
H.B. No. 2152, HD 1
H.B. No. 2061, HD 1
H.B. No. 2784, HD 1
H.B. No. 2163
H.B. No. 2538
H.B. No. 2533, HD 1
H.B. No. 2092, HD 1
H.B. No. 2022
H.B. No. 2605
H.B. No. 2583
H.B. No. 1808, HD 3
H.B. No. 2449, HD 2
H.B. No. 2855, HD 2
H.B. No. 2708, HD 1
H.B. No. 2775, HD 2
H.B. No. 2706, HD 1
H.B. No. 2639, HD 2
H.B. No. 2054
H.B. No. 2248, HD 1
H.B. No. 1287, HD 2
H.B. No. 2783, HD 2
S.B. No. 2246, SD 1
H.B. No. 840, HD 1
H.B. No. 1019, HD 1
H.B. No. 2741, HD 1
H.B. No. 1985
H.B. No. 2523
H.B. No. 2596
H.B. No. 2505, HD 1
H.B. No. 2532, HD 1
H.B. No. 1922, HD 1
H.B. No. 40, HD 1
H.B. No. 2186, HD 1
H.B. No. 2594, HD 2
H.B. No. 2311, HD 1
H.B. No. 2724, HD 1

The Chair then announced:

"Members, please remember to submit to the Clerk the list of House Bills on the Consent Calendar for which you will be inserting written

comments, in support or in opposition into the Journal. This must be done before the adjournment of today's Floor session."

At 9:16 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:56 o'clock a.m., with Vice Speaker Magaoay presiding.

ORDINARY CALENDAR

UNFINISHED BUSINESS

At this time, the Chair announced that the following measures would be deferred to the end of the calendar:

Stand. Com. Rep. No. 579-10 and H.B. No. 2376, HD 3:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 645-10 and H.B. No. 2377, HD 3:

By unanimous consent, action was deferred to the end of the calendar.

H.B. No. 2963:

By unanimous consent, action was deferred to the end of the calendar.

H.B. No. 2737, HD 1:

By unanimous consent, action was deferred to the end of the calendar.

The Chair then announced that the following measure would be deferred to Thursday, March 4, 2010.

Stand. Com. Rep. No. 477-10 and S.B. No. 1059, SD 2, HD 2:

By unanimous consent, action was deferred to Thursday, March 4, 2010.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 462-10) recommending that H.B. No. 2922, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2922, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 466-10) recommending that H.B. No. 2349, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2349, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, on Stand. Com. Report Number 466-10, HB 2349, Relating to Violence Against Health Care Personnel. I would like to ask for a ruling on a potential conflict. Once in a great while I act as an emergency room social worker," and the Chair ruled, "no conflict."

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

"On the same measure, Mr. Speaker, I'm in strong support of this legislation and I also want a ruling on a potential conflict. I sometimes work as an emergency room nurse," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2349, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 468-10) recommending that H.B. No. 2086, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2086, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 469-10) recommending that H.B. No. 2284, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2284, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, Stand. Com. Report 469-10, may I have a ruling on a potential conflict? I'm an officer of a business that is in this area as a sublessee," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. Also on Stand. Com. Report No. 469-10, may I get a ruling on a potential conflict? My law firm represents the sole landowner that is affected by this legislation," and the Chair ruled, "no conflict."

Representative Har then asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

"Mr. Speaker, may I submit written comments with strong reservations on Stand. Com. Rep. No. 469?"

Representative Finnegan's written remarks are as follows:

"I rise with reservations on HB 2284. The bill extends the repeal date of Act 189, SLH 2009, to June 30, 2011 for the Mapunapuna leases. Although I agree in principle with this bill, I do worry about the precedent that this bill may set in terms of the State interfering with or enabling tenants to abrogate the terms of their contract with their lessor. This should be an exception to the rule and not become the rule in order to maintain viable contract law in the State."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support this bill with reservations. This bill extends Act 189, SLH 2009, to June 30, 2011. The purpose of this bill is to change the process for renegotiating the amount of rent during the term of an existing commercial or industrial lease, unless expressly stated otherwise in the lease. The bill requires the term "fair and reasonable" annual rent of any lease of commercial or industrial leasehold property to be construed as fair and reasonable to both the lessor and the lessee to the lease, and to consider other relevant circumstances relating to the lease, such as surface characteristics of the property.

"As members observed last Session, Act 189 apparently targeted a single landowner for the benefit of its lessees, but arguably addressed a situation where the free market between lessor and lessee was not functioning. Hawaii has experienced and seen a concentration of land ownership of urban commercial and industrial properties become centered in a few large firms that distort market forces and leave Hawaii businesses with little recourse. My concern is that the language in question does not appear in any other commercial lease and this measure deals with only one landowner.

"Once again, Mr. Speaker, I vote with reservations."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you, Mr. Speaker. Although I wasn't here last year, I did have some time to catch up on this particular measure. I realize that the Legislature passed Act 189 in regards to this issue.

"But I believe that this is bad policy and it sets bad precedence and ultimately, is bad for business in our State. This bill sends a message to businesses and potential investors that the Legislature may change the terms of your contract. Today it's the tenants of HRPT asking us to change their leases to reduce their rents. Next year, it could be the tenants of Ala Moana Center or Kamehameha Schools.

"This action is reckless. Last year, the Attorney General warned us that this bill may be unconstitutional in that it may violate the contract clause and the takings clause, giving the landowner the right to recover compensation from the State. But the Legislature passed the bill anyway and now we are considering extending this law just increasing the State's potential liability to pay for damages, fees, and costs.

"At a time when we're cutting social programs to balance the budget, this bill is financially irresponsible. It makes no sense to extend this law until the constitutional questions have been settled in court. We should wait to hear what the court says rather than rushing to pass a bill that the taxpayers pay for in the end.

"With your request, Mr. Speaker, I'd like to insert into the Journal two opinion letters from the Attorney General last year which was sent in April 2009 clarifying the Attorney General's concerns regarding his concerns that this particular issue may violate the contract clause of the US Constitution and also may violate the takings clause. Thank you, Mr. Speaker.

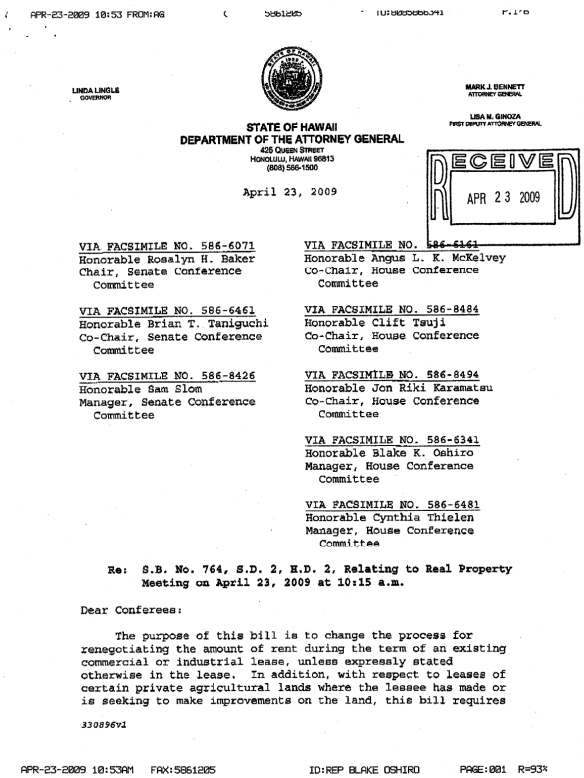
"In addition, I just wanted our colleagues to know that just recently, in fact, just yesterday or the day before, this issue as you all know, is in Circuit Court. There was a request to have the hearing date on either April 5th or April 12th. Both court dates were available prior to the ending of the Legislative Session. So we would have as a Legislature benefitted from the guidance of Judge Mollway regarding the constitutionality of this law.

"However, in Docket 72, the Citizens for Fair Evaluation opposed the advancing of the hearing date to April and requested that the court actually push back the hearing date to May 17. And in Docket 71 the State of Hawaii briefly, in their brief, opposed the advancing of the hearing date to April. The irony of this is that we could have settled this once and for all had the two parties, the Citizens for Fair Evaluation and the State of Hawaii chosen to support the motion to have the hearing prior to the ending of the Legislative Session.

"In the Committee hearings that we had in the Economic Development Committee, I questioned if the court rules that this is unconstitutional, whether the State would put itself in a financial predicament, and it was uncertain. But as we move through this process in the courts I say, this bill should not move and we should just wait for whatever happens in the court, and I urge my colleagues to take a look at this.

"Finally, Mr. Speaker, I'd like with your permission to insert into the Journal, Dockets 70, 72 and 71. Thank you."

Representative Takai submitted the following documents:



APR-23-2009 10:53 FROM:AG 5861205 TO:8085866341 P.1/5

LINDA LINGLE
GOVERNOR

MARK J. BENNETT
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RECEIVED
APR 23 2009

April 23, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
Manager, Senate Conference Committee

VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8484
Honorable Clift Tsuji
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference Committee

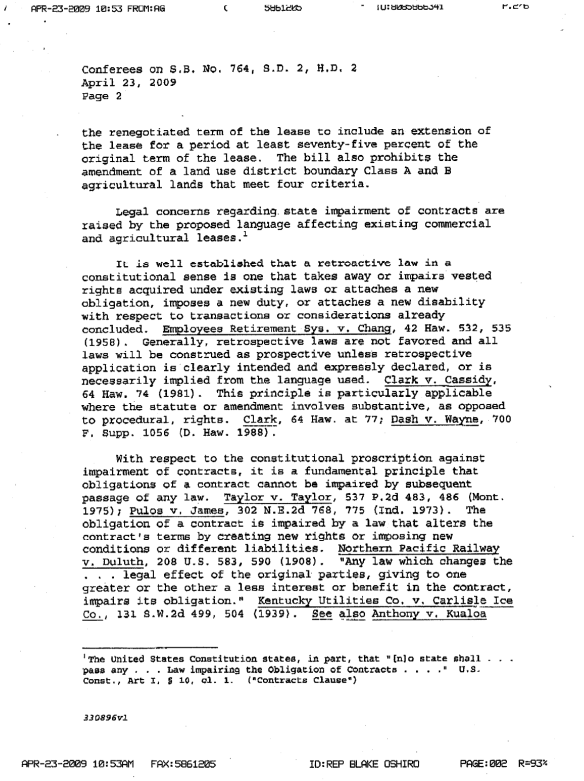
Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property Meeting on April 23, 2009 at 10:15 a.m.

Dear Conferees:

The purpose of this bill is to change the process for renegotiating the amount of rent during the term of an existing commercial or industrial lease, unless expressly stated otherwise in the lease. In addition, with respect to leases of certain private agricultural lands where the lessee has made or is seeking to make improvements on the land, this bill requires

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Conferees on S.B. No. 764, S.D. 2, H.D. 2
April 23, 2009
Page 2

the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five percent of the original term of the lease. The bill also prohibits the amendment of a land use district boundary Class A and B agricultural lands that meet four criteria.

Legal concerns regarding state impairment of contracts are raised by the proposed language affecting existing commercial and agricultural leases.[1]

It is well established that a retroactive law in a constitutional sense is one that takes away or impairs vested rights acquired under existing laws or attaches a new obligation, imposes a new duty, or attaches a new disability with respect to transactions or considerations already concluded. Employees Retirement Sys. v. Chang, 42 Haw. 532, 535 (1958). Generally, retrospective laws are not favored and all laws will be construed as prospective unless retrospective application is clearly intended and expressly declared, or is necessarily implied from the language used. Clark v. Cassidy, 64 Haw. 74 (1981). This principle is particularly applicable where the statute or amendment involves substantive, as opposed to procedural, rights. Clark, 64 Haw. at 77; Dash v. Wayne, 700 F. Supp. 1056 (D. Haw. 1988).

With respect to the constitutional proscription against impairment of contracts, it is a fundamental principle that obligations of a contract cannot be impaired by subsequent passage of any law. Taylor v. Taylor, 537 P.2d 483, 486 (Mont. 1975); Pulos v. James, 302 N.E.2d 768, 775 (Ind. 1973). The obligation of a contract is impaired by a law that alters the contract's terms by creating new rights or imposing new conditions or different liabilities. Northern Pacific Railway v. Duluth, 208 U.S. 583, 590 (1908). "Any law which changes the . . . legal effect of the original parties, giving to one greater or the other a less interest or benefit in the contract, impairs its obligation." Kentucky Utilities Co. v. Carlisle Ice Co., 131 S.W.2d 499, 504 (1939). See also Anthony v. Kualoa

[1] The United States Constitution states, in part, that "[n]o state shall . . . pass any . . . law impairing the Obligation of Contracts . . . ." U.S. Const., Art I, § 10, cl. 1. ("Contracts Clause")

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Ranch, Inc., 69 Haw. 112, 119-24 (1987) (law, enacted after lease executed, that required lessors to pay, at the sole option of the lessees, for improvements built upon the leased premises in order to get the leased premises back, substantially impaired the contractual rights of the parties and was unconstitutional).

> The importance of protecting the obligation of contracts from all legislative action tending to its impairment has been emphasized by the Supreme Court of the United States. That high tribunal has stated that the inviolability for contracts and the duty to perform them, as made, are at the foundation of all well-ordered society that, to prevent the removal or disturbance of these foundations was one of the great objects for which the Constitution was framed, and that it is one of the highest duties of that court to take care that the prohibition should neither be evaded nor frittered away.

16A Am. Jur. 2d Constitutional Law § 694 (1979) (emphases added).

However, because states are vested with authority to safeguard the vital interests of their residents, the impairment clause is liberally construed and prohibits only unreasonable impairment. Id.; Energy Reserves v. Kansas Power & Light, 459 U.S. 400, 409 (1983). Reasonableness is determined by whether the law addresses a legitimate end and whether the measures taken to reach that end are reasonable and appropriate. It is important to recognize that the power of a state to modify or affect the obligation of a contract under the state's protective powers is not without limit. "Yet the contract clause limits otherwise legitimate exercises of state legislative authority, and the existence of an important public interest is not always sufficient to overcome that limitation." United States Trust Co. v. New Jersey, 431 U.S. 1, 21 (1977). See also El Paso v. Simmons, 379 U.S. 497, 506-9 (1965).

As noted above, this bill appears to intrude upon renegotiations of lease rent by interjecting, unless otherwise stated in the lease, its construction of "fair and reasonable annual rent" in commercial or industrial leases to mean that

could meet those four factors, thus owning property that falls within the definition "commercial or industrial leasehold property", and be subject to the requirements of this bill.

On the other hand, a lessor in Mapunapuna with fewer than fifty thousand square feet would not meet the fourth factor and not own property that falls within the definition of "commercial or industrial leasehold property", and thus not be subject to the requirements of this bill.

In addition, the third factor, regarding a lease with a term of ten years or more and an unexpired term of five years or more, could apply to various recent leases in the Ewa region or central Oahu, whereas section 1 of the bill appears to focus on urban communities which historically have housed small commercial or industrial businesses. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 19-21 ("Thus, maintaining close geographic ties between small businesses and the communities they serve is a public purpose that requires legislative support.")

In summary, it is unclear how focusing the definition of "commercial or industrial leasehold property" on the nature of the lessor is sufficiently tailored to the bill's stated purpose of easing burdensome lease provisions on lessees. S.B. No. 764, S.D. 2, H.D. 1, page 3, lines 3-5.

At this time, it is unclear from the record how pervasive the alleged problem is, or the actual number of commercial and industrial leases affected by this bill, or how the bill's proposals actually benefit urban businesses. The government must use the least intrusive means to achieve its goals. It is not free to impose a drastic impairment when an evident and more moderate course would serve its purposes equally well. United States Trust Co. v. New Jersey, 431 U.S. at 31.

Legislation impairing commercial or industrial leases would be more defensible if based on articulated findings of need, demonstrated evidence that the proposed legislation will achieve the stated purpose, and explanation that no lesser remedy (such as arbitration, mediation, or litigation) is available. The bill's proposed definition of "commercial or industrial leasehold property" seems focused upon lessors and does not appear to be "a reasonable and narrowly-drawn means of promoting

"rent shall be fair and reasonable to both the lessor and the lessee to the lease." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 3-5. Unless otherwise stated in the lease, this bill also imposes a new requirement in such lease rent renegotiations that they include consideration of the "past renegotiation practices and policies throughout the previously renegotiated lease rents, the uses and intensity of use of the lease property during the term of the lease approved by the lessor, the surface and subsurface characteristics of the leased property and the surrounding neighborhood on the renegotiated date, and the gross income generated by the lessees on the renegotiated date." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 8-18. In addition, this bill provides four factors in defining "commercial or industrial leasehold property" and also defines "lease".

With respect to leases for agricultural lands, this bill intrudes upon leases of certain private agricultural lands by requiring the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five per cent of the original term of the lease. S.B. No. 764, S.D. 2, H.D. 2, page 7, lines 9-20. The bill's provisions as to agricultural leases only concern revisions to the term of the lease and our views on these provisions are discussed at the end of this letter.

Despite the customary deference accorded to social and economic legislation, laws altering the rights and obligations of contracting parties must be reasonable and necessary for the public purpose for which they were enacted. Allied Structural Steel Co. Spannaus, 438 U.S. 234, 244 (1977), Applications of Herrick & Irish, 82 Haw. 329, 922 P.2d 942 (1996). While section 1 of this bill describes the need to strengthen and diversify Hawaii's economy, there is no evidence that this bill will achieve the stated purpose to stabilize the economy by addressing some of the alleged vague or onerous provisions of existing commercial and industrial leases. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 11-19. For example, the four factors of "commercial or industrial leasehold property" do not necessarily identify how they are linked to a benefit for the business tenants in Oahu's urban center, as opposed to those in the Ewa region or central Oahu, as stated in section 1 of the bill. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 1-10. A lessor in Kapolei

the significant and legitimate public purpose." Applications of Herrick & Irish, 82 Haw. 329, 340, 922 P.2d 942, 953. Consequently, it appears this bill may violate the Contracts Clause and be found unconstitutional.

With respect to section 5 of part II of this bill, we raise the same concerns regarding state impairment of contracts. To the extent the bill intrudes upon renegotiations of lease rents for certain private agricultural lands, such intrusion is subject to the same analysis used for part I of the bill regarding commercial and industrial leases. Section 4 of the bill justifies the intrusion and Section 5 appears to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose. However, as with part I of the bill, the state impairment of private agricultural leases may be subject to challenge.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

LINDA LINGLE
GOVERNOR

MARK J. BENNETT
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April 28, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference
Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference
Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
Manager, Senate Conference
Committee

VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
Co-Chair, House Conference
Committee

VIA FACSIMILE NO. 586-8484
Honorable Clift Tsuji
Co-Chair, House Conference
Committee

VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
Co-Chair, House Conference
Committee

VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference
Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference
Committee

Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property
Meeting on April 28, 2009 at 10:15 a.m.

Dear Conferees:

We supplement our letter to you dated April 23, 2009, and note our additional concern that the proposals of S.B. No. 764, S.D. 2, H.D. 2, may impair private contracts and constitute

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"takings" which gives rise to a right to receive compensation from the sovereign. A compensable regulatory taking occurs when governmental agencies impose restrictions that either 1) deny landowners of all economically viable use of their property, or 2) unreasonably interfere with landowners' rights to use and enjoy their property. Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 933-35 (Tex. 1998).

A regulation may go so far in imposing public burdens on private interests as to require compensation. In deciding whether regulatory action goes "too far", three principles known as the Penn Central factors have emerged: 1) the "economic impact of the regulation on the claimant"; 2) "the extent to which the regulation has interfered with distinct investment-backed expectations"; and 3) "the character of the governmental action". Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978). Penn Central does not supply mathematically precise variables but instead provides important guideposts that lead to the ultimate determination whether just compensation is required. Whether a regulatory taking has occurred, "depends on a complex of factors including" the three set out in Penn Central. Sheffield Dev. Co. v. City of Glenn Heights, 140 S.W. 3d 660 (Tex. 2004). The analysis "necessarily requires a weighing of private and public interests" and a "careful examination and weighing of all the relevant circumstances in this context." In considering a regulatory takings issue, a court will "consider all of the surrounding circumstances" in applying "a fact-sensitive test of reasonableness." Sheffield at 670-72.

A court must satisfy itself that the legislature's "adjustment of 'the rights and responsibilities of contracting parties [is based] upon reasonable conditions and [is] of a character appropriate to the public purpose justifying [the legislation's] adoption.'" Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470, 505 (U.S. 1987). As we have stated previously, the proposals of S.B. No. 764, S.D. 2, H.D. 2 do not appear to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose in protecting certain commercial or industrial leasehold property, or certain private agricultural lands. As such, in addition to the bill's proposals possibly violating the Contracts Clause and being

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found unconstitutional, the proposals may also constitute "takings" that give rise to a right to receive compensation from the sovereign.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

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Attorneys for Plaintiffs
HRPT Properties Trust, *et al.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT Properties Trust, *et al.*,	) CIVIL NO. 09-0375 SOM/KSC
Plaintiffs,	)
v.	) PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR
Linda Lingle, in her official capacity as Governor of the State of Hawai`i,	) SUMMARY JUDGMENT [FILED 2/17/10] [#67]; DECLARATION OF BRUCE D. VOSS; EXHIBITS 1-5;
Defendant,	) PROPOSED ORDER GRANTING
and	) PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR
Citizens for Fair Valuation,	) SUMMARY JUDGMENT [FILED 2/17/10] [#67]; CERTIFICATE OF
Intervenor-Defendant.	) SERVICE
	) NON-HEARING MOTION

PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10]

Plaintiffs HRPT Properties Trust and its affiliate companies, by and through counsel, move this Court *ex parte* for an order advancing the hearing date of Plaintiffs' Motion for Summary Judgment, filed February 17, 2010. (*See* Doc. 67.) Plaintiffs' Motion for Summary Judgment is currently scheduled to be heard on May 10, 2010, at 10:30 a.m. before the Honorable Susan Oki Mollway. (*See* Doc. 69.)

In this case, Plaintiffs seek a declaratory judgment that Act 189 of the 2009 session of the Hawai`i Legislature violates the Contracts Clause and six other constitutional provisions, and is therefore unconstitutional. By its terms, Act 189 expires on June 30, 2010. (*See* Ex. 1.) At the urging of Intervenor-Defendant Citizens for Fair Valuation, the Legislature is currently considering two bills, Senate Bill No. 2020 and House Bill No. 2284, to extend the Act. (*See* Exs. 2-3.) The 2010 legislative session, however, is scheduled to end April 29, 2010, more than a week before the current May 10, 2010 hearing date. (*See* Ex. 4.)

Disputes regarding the constitutionality of Act 189 have affected and will continue to affect legislative consideration of Senate Bill No. 2020 and House Bill No. 2284. For example, the Senate Committee on Commerce and Consumer Protection recently issued a report supporting a five year extension of the Act and listing HRPT's "filing of a lawsuit in federal district court challenging the constitutionality of Act 189" as a reason for the Act's extension. (Ex. 5 at 2.) Advancing the date of the hearing would assist and provide guidance to the Legislature and the parties by allowing the Court to consider the constitutionality of Act 189 before the legislative session ends.

Plaintiffs have been informed by this Court's courtroom manager that hearing slots are potentially available to hold a hearing on a motion for summary judgment on April 5, 2010 and April 12, 2010, should the Court in its discretion

elect to advance the hearing date. If the Court were to advance the hearing to the earliest possible date of April 5, 2010, Defendants would have until March 15, 2010, nearly a month from now, to prepare their responses to HRPT's Motion for Summary Judgment.

Plaintiffs therefore respectfully request that this Court advance the hearing to a date before the end of the legislative session.

This motion is made pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.2, and is based upon the Declaration of Bruce D. Voss attached hereto.

Dated: Honolulu, Hawai`i, February 19, 2010.

/s/ Bruce D. Voss
Bruce D. Voss
Ryan H. Engle
Matthew C. Shannon

Clifford M. Sloan
David W. Foster

Attorneys for Plaintiffs
HRPT Properties Trust, *et al.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

	) CIV. NO. CV09-0375 SOM KSC
HRPT PROPERTIES TRUST, *et al.*,	)
Plaintiffs,	)
vs.	)
LINDA LINGLE, in her official capacity as Governor of the State of Hawai'i,	)
Defendant,	)
CITIZENS FOR FAIR VALUATION	)
Intervenor-Defendant	)

INTERVENOR CITIZENS FOR FAIR VALUATION'S MEMORANDUM IN SUPPORT OF EX PARTE MOTION TO CONTINUE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [#67] AND FORTHCOMING COUNTERMOTIONS FOR SUMMARY JUDGMENT TO BE FILED BY DEFENDANT AND INTERVENOR-DEFENDANT BY ONE WEEK (TO MAY 17, 2010) AND OPPOSITION TO PLAINTIFFS' MOTION TO ADVANCE TIME [#70]

This Honorable Court has scheduled the hearing on Plaintiffs' Motion for Summary Judgment for Monday, May 10, 2010 at 10:30 a.m. [#69]. On Friday, February 19, 2010, Plaintiffs filed an *ex parte* Motion to Advance the Hearing Date [#70], arguing that an earlier hearing and ruling by this Court "would assist and provide guidance to the Legislature." Intervenor-Defendant CFV opposes this

Motion and requests that the Hearing be set for Monday, May 17, or as soon thereafter as is convenient for the Court, for the reasons that follow.

After this Honorable Court's Order of December 22, 2009, the parties engaged in discussions regarding discovery, but they were not able to reach any agreement. In paragraph 11 of Mr. Voss's Declaration he refers to his "understanding" of those discussions, but he is incorrect in indicating that any consensus or agreement had been reached. Because no agreement was possible, the parties held a Status Conference in front of Magistrate Judge Chang on Monday, January 25, 2010, where he explained the scope of discovery for the parties. Pursuant to that clarification, Plaintiffs noticed and took the deposition of Michael Steiner on Tuesday, February 9, 2010, and Intervenor-Defendant CFV have noticed the deposition (by video conference) of David Lepore to be taken on Thursday, February 25, 2010. On Wednesday, February 17, 2010, Plaintiffs filed their Motion for Summary Judgment, and attached a series of Declarations and documents purporting to provide information relevant to this Court's Order of December 22, 2009. This new information is now being evaluated by the other parties, and further depositions or other discovery may be necessary in light of this new information. The deposition of Mr. Lepore may also produce new information that may require further discovery requirements. The discovery process is thus still evolving, and any advancement in the hearing date will

interfere with the efforts of all the parties to complete the discovery required by this Court's Order of December 22, 2009.

The lead attorney for Defendant Governor Linda Lingle, Mr. Girard Lau, has been on travel leave in recent days, and is due to return to the islands on Thursday, February 25. He has not been available, therefore, to evaluate the Plaintiffs' Motion for Summary Judgment or the new information accompanying that filing, and will need time after his return to engage in this evaluation and to decide whether the interests of his client require further discovery.

In January 2010, the lead attorney for Intervenor-Defendant CFV, Mr. Jon M. Van Dyke, accepted an invitation from the Maritime Institute of Malaysia to give a presentation in Kuala Lumpur, Malaysia, on issues related to the delimitation of the continental shelf in the South China Sea at a conference scheduled for May 10-11, 2010. Because of this conflict, Intervenor-Defendant CFV respectfully requests this Court to schedule the Hearing on Monday, May 17, 2010, or as soon thereafter during that week as would be convenient for the Court.

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ Jon M. Van Dyke
Jon M. Van Dyke
Sherry P. Broder
Jay M. Fidell
Keith S. Agena
Attorneys for Intervenor
Citizens for Fair Valuation

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Attorneys for Defendant
LINDA LINGLE, in her official
capacity as Governor of the State of Hawaii

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT PROPERTIES TRUST and affiliate companies: MASTER PROPERTIES LLC, a Maryland limited liability company, ROBIN 1 PROPERTIES LLC, a Maryland limited liability company, TANAKA PROPERTIES, LLC, a Maryland limited liability company, LTMAC PROPERTIES, LLC, a Maryland limited liability company, [Caption Continues]	NO. CV 09-0375 SOM/KSC LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010; CERTIFICATE OF SERVICE

TSM PROPERTIES LLC, a Maryland limited liability company, and Z&A PROPERTIES LLC, a Maryland limited liability company, Plaintiffs, vs. LINDA LINGLE, in her official capacity as Governor of the State of Hawaii, Defendant.	[Non-Hearing Motion]

LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010

Defendant Linda Lingle, in her official capacity as Governor of the state of Hawaii ("Governor Lingle"), by and through her attorneys Mark J. Bennett, Attorney General, and Deborah Day Emerson, Girard D. Lau, David A. Webber and James C. Paige, Deputy Attorneys General, believes that the hearing date should not be advanced and that the May 10, 2010 hearing date currently scheduled by the Court is appropriate. That date will allow the parties sufficient time to complete any necessary discovery, for the defendants to file their respective

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cross motions for summary judgment, and for the parties to otherwise fully brief this matter for the Court.

DATED: Honolulu, Hawaii, February 23, 2010.

MARK J. BENNETT
Attorney General

/s/ David A. Webber
DEBORAH DAY EMERSON
GIRARD D. LAU
DAVID A. WEBBER
JAMES C. PAIGE
Deputy Attorneys General

Attorneys for Defendant
LINDA LINGLE, in her official capacity as Governor of the State of Hawaii

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CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFF HRPT'S EX PARTE MOTION TO ADVANCE HEARING DATE was served on the following at their last known addresses:

Served Electronically through CM/ECF: Date: February 23, 2010

bvoss@legalhawaii.com
mshannon@legalhawaii.com
rengle@legalhawaii.com
cliff.sloan@skadden.com
david.foster@skadden.com
robryn.carr@skadden.com

jvandyke@hawaii.edu
sherrybroder@sherrybroder.com
fidell@lava.net
KSA@bfsl.com

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ David A. Webber
Deputy Attorney General

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Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I just wanted to counter some of the prior arguments that this may be unconstitutional. I think the constitutionality of this and whether it is an impairment on the contracts clause is a valid question and something that is going to be litigated in court. I think we well knew that when we passed the legislation last year. And that's why it went through many, many machinations until it was ultimately passed. Most importantly, I think we made sure that we put in a pertinent and very specific purpose clause so that we could demonstrate the substantial governmental interest because that is one of the primary tests when it comes to the contracts clause.

"As to the argument that we should be careful about interfering with contracts, I would like the Body to note that we do this all the time. I think we just did this for veterans when they leave and they want to keep their gym memberships. That's an interference in contracts, but we did that. So if we're going to do it for something like that, I think it is wholeheartedly prudent for us to do this for these lessees because these are all small businesses. These people are being squeezed out by exorbitant rent increases that have been demanded by the lessor and they never experienced those things before.

"And so I think it is a valid thing for us in this economic time to be saying, do we want all of these lessees to be squeezed out, and to have their rent increased twofold, or threefold because the lessor can? That is a valid question for us as policy makers. I think it's something that the courts will be addressing as it goes through litigation in Federal Court and therefore I support this bill. Thank you."

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

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, I had the opportunity last year to hear the extensive discussion regarding this. It's unfortunate, even though he was serving our country, that the Representative didn't hear that because it was in a larger context of what otherwise was asked for which is fair and reasonable. And in the context in which is very important to me is that only 10% of the privately held land is actually in circulation among the 1.3 million people here.

"There is a lopsided land ownership not only with the State, but I think there are six owners who own huge, huge amounts. That's why the lease-to-fee for residential lots came about. That's why the sense of being fair and equitable in this lease comes about.

"So in terms of pure market principles, the gentleman is correct. But when it comes to the context of the scarcity of land and the monopoly of land, it seemed in that sense to be fair. It seemed to be reasonable and this is basically something that we would encourage them to work it among themselves. I don't think we're intervening. We're encouraging them to work it out to be fair, to be reasonable so these businesses can carry on and the public can be served by them. Thank you, Mr. Speaker."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with strong reservations to H.B. 2284 H.D. 1 which extends date of Act 189, SLH 2009, to June 30, 2011.

"I understand that this measure has the intention to help small businesses, but I will probably vote no if this bill is not revised before its next hearing. I have deep concerns with the constitutionality of this measure, as Act 189 fails to meet the legal tests under the contracts clause and can be said to violate Article XI, section 5 of the Hawaii Constitution. I agree with the Land Use Research Foundation of Hawaii, which states that Act 189 "interferes with the terms of existing contracts, and such alteration of commercial and industrial contracts is unconstitutional, special legislation targeted at one landowner." Thank you."

Representative Luke rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, just briefly in opposition. The problem I have with this bill is, if we were doing it as a class for all types of leases, then I wouldn't have so much of a problem. But I do have a problem with the Legislature getting involved with a single lease, for one single entity, for one certain property.

"And what this does is it encourages contractors and lessees and leasors to not negotiate in good faith, if we're willing to get involved in one single contract. In future negotiations they're going to feel that if they have some type of argument then they can put in a bill and they're not going to negotiate in good faith in the future. Thank you."

Representative Saiki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. This legislation is similar to legislation that the Attorney General reviewed in 2002. The 2002 legislation proposed two things. First, it allowed a lease to request a one-time lowering of lease rents at recent rents at fair market value. Second, it required that the Uniform Standards of Professional Appraisal of Practice, otherwise known USPAP, be used to calculate fair-market value in those lease-rent renegotiations.

"The Attorney General concluded that the legislation was unconstitutional because it impaired the contracts clause. The Attorney General relied on precedent from the Hawaii Supreme Court that basically held that the Legislature's general statement that the legislation would promote equity and fairness for landowners was not sufficient to overcome the constitutional challenge. That is exactly what we have done in our legislation where we have simply stated in conclusionary terms that this legislation is necessary to promote fairness and reasonableness for leases in a single tract of land located in the Mapunapuna area.

"The Legislature has done no due diligence on this issue, and in fact the only due diligence that we have done stems from an LRB report that was completed in the early 2000s, which concluded in part that whether we agree or disagree with this conclusion, the conclusion was that commercial lease rent is reasonable at this time.

"If we are serious about alleviating the lease rent that is being paid by commercial lessees, then this legislation should go farther than just the Mapunapuna tract and it should apply to all commercial leases in the State of Hawaii. Thank you, very much."

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

"Thank you very much, Mr. Speaker. In support. And may I have the words of the Representative from Aiea and Hawaii Kai entered into the record as if they were my own? And I have some brief comments.

"Number one, this is not intended for a special class *vis-à-vis* Mapunapuna. It's for those who use the terms 'fair and reasonable' in their contract. And just as in the case of *Bulgo*, where a piece of legislation that was available to Maui County could be unveiled by future parties, so too could this one be if you use the words 'fair and reasonable' in your contract. That's why I don't think the people of Ala Moana will come running to the Legislature next year. So I think that's important to note. Thank you, Mr. Speaker."

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

"Please note my strong reservations and I request written comments."

Representative Belatti's written remarks are as follows:

"I rise with reservations on HB 2284, HD 1 which extends Act 189, Session Laws of Hawaii 2009, from June 30, 2010, to June 30, 2011. Ostensibly, this bill seeks to extend protections for local businesses over those of mainland landowners that were enacted with Act 189 one year ago. Act 189 redefined the terms "fair and reasonable annual rent" as related to commercial leasehold negotiations and required the consideration of other circumstances relating to these commercial lease renegotiations.

"I am troubled by this bill because it places the Legislature in the position of altering contract language and interfering in business relations between presumably sophisticated business parties, conduct that on its face is prohibited by the U.S. Constitution. But I am also sensitive to the public purpose that this Body is trying to address with the passage and extension of Act 189 – the ability of local businesses to be able to survive during these difficult economic times and not be faced with rents beyond what is fair and reasonable.

"Whether Act 189's intent of ensuring fair and reasonable rents for commercial leases is reasonably related to the specific and legitimate purpose of stabilizing our local economy is a close call for this legislator and, it is for this reason, that I support this bill with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Berg, Carroll, Hanohano, Har, C. Lee, Luke, Morita, Saiki, Shimabukuro and Takai voting no.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 471-10) recommending that H.B. No. 1978, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1978, HD 2, pass Third Reading, seconded by Representative Evans.

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for House Bill 1978, Relating to Towing. House Bill 1978 would mandate that all towing companies in the City and County of Honolulu operate 24 hours a day, 7 days a week among other stipulations outlined in the measure.

"I have concerns with statutorily instructing a private company on what hours they have to operate. This bill is intrusive on the private sector. For these reasons, I rise in support with reservations on House Bill 1978."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1978, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 475-10) recommending that H.B. No. 2271, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2271, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker. I'm rising in support of the bill titled, Relating to Explosives, House Bill 2271, SCR 475. Thank you. Mr. Speaker, I think everyone in this Body experienced loud noises and a lot of complaints after New Year's Eve. And not just New Year's Eve, but even the weeks before New Year's Eve and the weeks after from exploding fireworks.

"This bill is going to prohibit dry ice bombs which are inherently dangerous. It's a simple home-made device. It comes in a variety of sizes. All that you need is a container, a plastic water bottle, or an empty 5-

gallon tank drum. You fill them with water, add dry ice, seal the container, and wait for the gas to expand inside the container. Depending on a variety of factors, the temperature, the container size, the container will explode, many times generating shrapnel. And you have no advance notice when that will occur. You can have small children in the area and you can have serious injuries from the exploding shrapnel. The damage can also be to hearing from what a Marine officer has told me, which is in excess of many military munitions.

"These are going off in our neighborhoods. Those of us on the Windward side certainly heard them. Many are large enough that they can be heard from significant distances and of course they wake people up from their sleep. Dry ice bombs serve no purpose other than to make noise, although they can be very destructive. You put a dry ice bomb inside a metal mailbox and you rip the box apart. And the noise and the destructive power of a dry ice bomb can be increased merely by increasing the size of the container or more thoroughly sealing the container.

"Mr. Speaker, this is very important for the safety of our children, for the safety of people in our neighborhoods that we outlaw these types of explosive devices. Thank you."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2271, Relating to Explosives. House Bill 2271 would amend Hawai'i's firearms, ammunition, and dangerous weapons law to prohibit dry ice bombs.

"Since Halloween, loud explosions were heard throughout Ewa Beach, and continued after the New Year. It is suspected that many of these explosions were a product of dry ice bombs.

"Although dry ice, the solid form of carbon dioxide, is a versatile cooling agent, some people do not use it consistent with its original purpose. The use of dry ice to create bombs poses a safety risk to those that utilize them, and the people around them. The thunderous boom that the bombs emit, disturbs our communities, and most importantly startles the elderly, children, and our veterans.

"For these reasons, I rise in strong support on House Bill 2271."

Representative Ching rose in support of the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to protect public health and safety by making the manufacture, sale, transfer, possession, or transport of any dry ice bomb in the State a misdemeanor offense. This measure will also commission a class C felony for possession of a dry ice bomb.

"I believe that making, assembling, selling, possessing and using "dry ice bombs" is a dangerous practice. The enactment of HB 2271 will make sure that Hawaii's explosives statute prohibits them. Due to the potential danger of "dry ice bombs" I support every effort needed to ensure that no "dry ice bomb" ever is used.

"I encourage the passing of this measure so that no one is ever hurt because of the use of a "dry ice bomb," and no property damage occurs because of the use of a "dry ice bomb." For these reasons, I support this measure and urge my colleagues to do the same. Thank you, Mr. Speaker."

Representative Finnegan rose in support of the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 481-10) recommending that H.B. No. 2208, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2208, HD 2, pass Third Reading, seconded by Representative Evans.

At 10:01 o'clock a.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:04 o'clock a.m.

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

"Thank you, Mr. Speaker. I would like to speak with reservations and give short comments. Thank you, Mr. Speaker. The purpose of this bill is to ensure that providers who deliver healthcare to Medicaid beneficiaries are paid in a timely manner. There's two ways to do that: by repealing the exemption for Medicaid and Medigap provider claims; and the second way is requiring the Department of Human Services to pay the health plans according to the Medicaid contract with each plan and to pay interest on the late payments.

"For the first reason for the bill, repealing the exemption, actually the Director of DHS mentioned in her testimony that they already have a contract that says that they have to pay these providers, they have to pay on clean claims. So I think she was mentioning that this was unnecessary.

"The second reason for this bill was to basically require the Department of Human Services to pay health plans interest on late payments. As you know we are probably going to be pushing, I think it's $83 million in the next fiscal year. This is a very tough time for the State and we're basically incurring or charging late fees on ourselves. So I just have strong reservations on that as we are all trying to work with the situation in balancing the budget. Thank you."

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

"Mr. Speaker, I rise in support of this measure. Thank you. With respect to the previous speaker, I support this measure. The purpose of the Act is to repeal the exemption from the Clean Claims Law for Medicaid provider claims.

"The Clean Claims law is real simple. It's found in the Hawaii Revised Statutes, Section 431. It simply provides that if payments are made, clean claim payments shall be made within 30 days of the clean claims submitted in writing, and 15 days if it's submitted in an electronic form.

"Simply stated, Medicaid clients represent approximately 241,000 Hawaii residents. These residents are some of our most underserved patients, needy families, lower-income individuals, children, aged, blind and disabled. This is the composition the Medicaid patients, Mr. Speaker.

"Furthermore, these unpaid claims will reduce our healthcare providers' working capital. Therefore it will limit their capacity to pay their employees and purchase equipment and supplies for their needy patients. This will ultimately cause problems with access to healthcare. Physicians, nurses, caregivers, nurses in community care homes, and all healthcare providers, which deal with Medicaid patients, cannot, will not, and should not accept substantially late payments. For those reasons, I support this measure. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. Mr. Speaker, I am all for good legislation that helps out these providers. What we're seeing here is not necessarily that people are going to get their money and try to intervene in that. What we're saying here and what I'm saying here is, these clean claims are already in contract. If they're paying late, they're acting against that contract that the DHS has made with these health insurance companies.

"So that's already there. We as this Body shouldn't continue to just make laws to make laws. We should be doing things to make things effective. So how does this make it more effective than the contract that can be broken because they're not paying the bills? That's the point of this. I'm saying that it's unnecessary. It's not always that we go forth with laws just to change laws. It should have an effect on something. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm rising also in support of the measure. In the informational briefing held by the Human Services Committee, the Department of Human Services testified that the reason that they're not making these payments is that too many people are starting to enroll in these programs.

"When I asked them about what they've done to make provisions for new enrollments, I don't think that their responses were adequate. I don't think they've gone after federal dollars as much as they should have, or probably could have. There's certainly, at the time I think the Governor was in Washington DC, I don't think there were any meetings pertaining to this issue, which I think is again, a very important issue as the Chair of Human Services pointed out. I think a lot of the most vulnerable people in our society will be affected. So I do support this measure and I'm just standing in strong support. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in support. I would like to respond to some of the comments made earlier regarding our making laws. Making laws just to make laws. I have a quick comment on that which is, that's what we're here for.

"But in regards to the measure before us. Mr. Speaker, the reason for a measure like this, especially at this time in dealing with QUEST is, that the Department of Human Services stated several times, that they're up to three months late in payments. And with some of the contracts described by previous speakers, they stated that DHS has a contract with these providers and these insurance companies to provide these services. However, there are no provisions in there in cases where the Department of Human Services doesn't pay the insurance companies, which in turn are required by the contract to pay the providers.

"So, Mr. Speaker, the reason why we're addressing this and looking at the issue of the Clean Claims Law in Section 431-13.108 in the Hawaii Revised Statutes for our patients, our constituents, the people of this great State, is we want to ensure that they continue to get the coverage that they deserve. Thank you, Mr. Speaker."

The Chair then addressed Representative Finnegan, stating:

"Representative Finnegan, this is your third time to speak. Please sit down."

Representative Finnegan responded, stating:

"Mr. Speaker, this is my third time. You're not going to allow me to speak?"

Vice Speaker Magaoay: "No."

At 10:31 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:32 o'clock a.m.

Representative McKelvey rose in support of the measure and asked that the remarks of Representatives Manahan and Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

"Yes, just in support with reservations. This bill is definitely complicated. I think the debate showed that. But I think what the real problem is that it's really not the Governor's people that are withholding payments. It's some of the providers that are withholding payments. And so that's really one of the core problems. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2208, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 482-10) recommending that H.B. No. 2289, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2289, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this measure, but to express a reservation. House Bill 2289 would allow an issuance fee for certain gift certificates. Although the number has been blanked out in the bill, the Committee Report says that it will cost $7.50 or 15%, whichever is less.

"Blanks always scare me because you will always think it could be more, but nevertheless I think at $7.50 and 15%, it might be too high. I hope that the other legislators will look at these numbers as the bill progresses through the Session.

"The bill also allows back-end fees also called dormancy or inactivity fees. This is scary to me because they could be issued at one per month. So let's say you keep your gift certificate in the drawer for a year and you go to spend it. You will find that each month it will be less in value.

"I realize that we are conforming to federal law in some of these cases, but we really don't have to totally conform in this case. The Retail Merchants of Hawaii agree to the issuance fee, that's the front-end fees, whereby people can see what they're paying for and they pay for it upfront. However, they strongly oppose the other fees, the back-end fees. So I really feel that we should listen to them and take a look at this bill as it goes through the Session. Thank you, Sir."

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

"Thank you, Mr. Speaker. I just want to note my strong reservations on this bill. I don't view this bill as a pro-consumer bill. Thank you."

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

"Thank you, Mr. Speaker. I also have reservations on this bill. Many are the same as the Representative from Kahala. But also, I think there was some conversation that took place about the difference between a gift certificate and reloadable cards. And if you are trying to apply these fees to the reloadable cards, that this is actually under the gift certificates and it specifies gift certificates. So I'm not sure if we're accomplishing what we intend to accomplish with the bill. Thank you."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you. I've always supported having no fees for these gift cards. In fact, if you take a look at the bill on page 3, I realize that there are blanks here, but any attempt to add or offer activation or issuance fees should really be carefully scrutinized.

"I did want to mention the Retail Merchants of Hawaii testimony, they are actually not supporting an activation or issuance fee. So they don't support this part. I had a chance to talk to Carol Pregill regarding this and they're concerned. They believe just as I do, that gift certificates, when purchased by individuals, should not include any additional fees. If I go to Pearlridge and I want to buy a $25 gift certificate, I should not be charged $27.50. $25 plus a 10% activation fee. That's not a gift certificate. We in Hawaii have stated for a very long time that there shall be none of these fees on our gift certificates.

"In addition, the second concern that I have in regards to this draft is that although we extend the gift cards to five years after the date of issuance, which is an extension from the two years, and mandated by the way, by federal law, we don't do the same for paper certificates. I just don't understand why. If a gift card is being extended, and the expiration date is being extended to five years, we should as a fair practice extend the expiration date for all gift certificates, paper or otherwise, to five years. This bill does not do that currently. Thank you."

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

"Thank you, Mr. Speaker. If I could note my reservations for the same reason as stated by the prior speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2289, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Belatti, Berg, Brower, Hanohano and Takai voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 483-10) recommending that H.B. No. 2312, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2312, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Morita voting no.

At 10:35 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2922, HD 2
H.B. No. 2349, HD 1
H.B. No. 2086, HD 2
H.B. No. 2284, HD 1
H.B. No. 1978, HD 2
H.B. No. 2271, HD 1
H.B. No. 2208, HD 2
H.B. No. 2289, HD 2
H.B. No. 2312, HD 2

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 484-10) recommending that H.B. No. 2464, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2464, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRACTICE OF PHARMACY," passed Third Reading by a vote of 51 ayes.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 486-10) recommending that H.B. No. 2434, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2434, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I am voting no on this measure and would like to request permission to insert remarks from the Sierra Club that really state the reasons why we should oppose this bill. Thank you."

Representative Thielen submitted the following remarks:

"[H]B 2434 (HD2)
AUTOMATIC APPROVAL OF ALL PERMITS
This measure is a ham-fisted means to force agencies to enact rules limiting the time to approve or deny ***any*** permit. Without the adoption of agency rules, a 30 day "automatic approval" would automatically be imposed. The problems with this bill are staggering. For example, what if agencies aren't able to enact rules in a timely fashion? Some agencies are still struggling to pass rules over six years old. Theoretically, thousands of permits could be deemed automatically approved because of one malfunctioning agency. Do we really want health/welfare/safety requirements ignored?

We suggest a more intelligent route is to ask for audits of specific agencies that are not meeting performance expectations. Once we understand the basis for delays, we may be in a better position to act rather than passing a one-size fits all method that fails to serve the public at large."

Sierra Club, Hawaii Chapter –March 1, 2010

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you, and just a few comments. The task force was convened to determine the economic contributions of the construction industry, and in so doing, they were given leeway to propose ways in which to preserve and create new jobs in construction. This bill streamlines portions of the review process which I understand are problematic for the construction industry.

"The specific area that I have issue with is with the State Historic Preservation Division, and even though they have extended in this bill the minimum period of 45 days to 60 days, the State Historic Preservation Division is shorthanded. They are currently under federal review for noncompliance with the law. We have a possible audit of them also pending. They're undergoing internal changes according to their Director and I think at this particular time, if we're looking at streamlining permitting, we need to actually look at the State Historic Preservation Division. And rather than be so worried about creating new jobs for construction, look at the processes that need to be clarified. Thank you, very much."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Mr. Speaker, I rise in support with some reservations on HB 2434 HD2. This is part of the package introduced by the Construction Industry Task Force, bills meant to jump-start the State's stalled construction industry and get thousands of skilled and unskilled laborers off the unemployment rolls. HB 2434 proposes steps to streamline and increase efficiency of the permit review and approval process, but also includes provisions to establish maximum time periods for agencies to grant or deny approvals.

"This measure authorizes counties to contract with a third-party reviewer to lessen the workload faced by county agencies reviewing and processing construction permit, license, and other applications. This legislation has the potential to expedite the start of construction projects that are 'shovel-ready' and will generate jobs and boost local businesses by tapping federal money into our economy.

"However, I am concerned with language in Section 3 which would limit the State Historic Preservation Division ("SHPD") to a maximum 60-day period to review and comment on the effect of the proposed project. As this Body knows, SHPD faces challenges with existing resources and personnel to efficiently and effectively fulfill its important and invaluable work. I would be cautious about a blanket conclusion that finding no effect at the front end should immunize a project completely from other requirements of Chapter 6E. For example, it's absurd to decide, as this Bill appears to do, that the inadvertent discovery of burials process could not be used if in the course of a project, there is an "inadvertent discovery."

"Finally, Section 4 of this bill also establishes maximum time periods for consideration of business or development related permits when the agency has not already adopted review deadlines. I am assuming that the thirty (30) days set out in this section would not apply to the various county ordinances in different Codes that set out forty-five (45) days and the flexibility to do a thorough review of more complex projects. Deadlines are a good tool, but should not be a 'blunt hammer' for allowing bad as well as good designs and plans to move forward simply due to an agency's lack of resources.

"It is for these reasons I support this bill with some reservations and urge my colleagues to vote in favor of this bill."

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

Representative Wooley's written remarks are as follows:

"I appreciate that this bill is trying to expedite the approval process for proposed construction projects in a creative way. I do, however, want to highlight my concerns about the current draft of this bill.

"The concept of allowing a third party to perform what is traditionally a government function – to certify proposed plans comply with laws, rules, ordinances and codes – is an innovative way to streamline permit and license approval processes. A third party approval system would allow an applicant to bypass a government process by hiring an expert to do the analysis.

"For some projects, the expense for the applicant to hire the third party entity for the job may be worth the expected savings in time. There are risks to the public, however, because private entities simply do not have the same obligations to the public as public servants. It is not clear that these risks are necessary or small.

"Permits and licenses are usually required when there are public concerns that need to be addressed. These requirements have been set up in an attempt to provide fair and impartial procedures to verify minimum standards are met on issues such as safety, health, or the environment. If we moved to a system allowing third party private entities to be a substitute for long-established government functions, there should also be assurances that the original public purposes behind the permit or licensing requirements will still be met.

"This bill also proposes an automatic approval process that is even riskier than a third party approval process and threatens to undermine long-standing public policy. The automatic approval of projects within 30 days of the application would bypass 100% of the permit and license requirements simply because the applicant doesn't want to wait more than a month.

"There may be good reason for an applicant to want to move forward quickly – it may save them time and money or even provide for the construction of a project that will serve the public, such as affordable housing. However, without assurances that the underlying public concerns will be addressed, an automatic approval process would simply put the concerns of any and every single private applicant's wish for expediency above all public concerns.

"All that said, the underlying and immediate concern this bill attempts to address is a serious one – there are many workers in need of a job, and the construction industry needs solutions that will boost demand and increase economic activity.

"So, I look forward to talking more about how the Legislature can address these economic issues and I am cautiously optimistic that we will find solutions that do not undermine public policies that have been developed over many years to protect all Hawaii residents and future generations."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with strong reservations to H.B. 2434 H.D. 1 which authorizes counties to contract with a third-party reviewer to streamline construction permit, license, and other application processing.

"We cannot overlook the construction industry task force and their findings that, as stated by Castle and Cooke, H.B 2434 HD1, "will help generate an immediate impact on our state's delicate economy by creating jobs and providing homes for Hawaii's families. [this measure] will bring action and positive change to spur the economy."

"As the founder of the Heritage Caucus, and for the sake of historic properties, however, I value the opinion of the Historic Hawaii Foundation that the State Historic Preservation Division needs to have an opportunity to review projects and look for additional ways to address these administrative conflicts without sacrificing the historic resources of the State. I also respect the Sierra Club and their objection that, "no community should suffer because government failed to perform" and believe they do raise valid points that need to be taken into consideration regarding safety, mass development, and environmental results. We must address their concerns. Thank you."

Representative Morita rose to speak in opposition to the measure, stating:

"I rise in opposition to this bill. I don't have a problem with a third party review section, but I just want to note that an automatic approval process is really problematic, especially when the State and the counties are looking at the furloughing of employees. My concern is how that factors into the review process being done in a timely manner. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2434, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Belatti, Berg, Carroll, C. Lee, Luke, Morita, Saiki, Takumi and Thielen voting no.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 549-10) recommending that H.B. No. 2796, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 550-10) recommending that H.B. No. 2904, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2904, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. This bill eviscerates the county and community planning process statewide. Its origin however, is not a statewide issue, but targeted to overturn the Maui County Charter and Maui County Code, specifically 280A.020 dealing with community plans which provides that the community plan shall set forth in detail, land uses within the nine regions of the county designated in this subsection.

"It also overturns a long standing Hawaii Supreme Court decision which upheld that the Maui Community plans are part of the General Plan of Maui County and therefore has the force and effect of law. A proposed development which is inconsistent with a community plan may not be approved without a plan amendment.

"So what we're really doing is turning both the county and the community planning process upside down through the passage of this bill. We should be looking at this carefully because we're also affecting the discretionary nature of permitting by either the planning departments or the councils.

"Planning is really a home rule issue, and again this bill eviscerates that process. Thank you."

Representative Keith-Agaran rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my strong reservations. I understand the purpose of this bill. I don't think the language accomplishes what is intended. I'd like to extend my remarks into the Journal."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support H.B. 2904, H.D. 1 with strong reservations. The present draft is incomprehensible in what it attempts to do with references to a non-existent State General Plan to override the historic and traditional role that counties have in planning comprehensively and determining appropriate uses for parcels in the urban, agricultural and rural land designations on their respective islands. While I generally agree that some clarity is needed regarding the meaning of and application of "consistency" between the "uses" allowed in the various land districts indicated in the State land use maps, a county general plan, a county community or development plan, and the county zoning, this current draft fails to do so.

"The State law controls planning and zoning on State Conservation Land Use District lands while the counties have the authority to plan and zone lands in the urban, rural and agricultural Land Use Districts. The present draft potentially inhibits each county's home rule ability to implement the general and community plans approved by the elected county officials and people of those communities. Each county has an elected local council who make long-range planning and development decisions in the best interests of their communities.

"The new Maui County General Plan, through the efforts of government and volunteer workers is nearing completion. If the legal effect of the new Plan is negated by this legislation, the years of work put towards the new General Plan would be considered wasted by those involved in pushing it forward.

"This bill was meant to say that common sense also applies when we are considering land use. It was meant simply to clarify that where the counties by zoning ordinance have identified particular uses in different zoning categories, consistency with the county's General Plan, Community Plan and zoning means the particular uses have been recognized as allowable in the General Plan, Community Plan and applicable zoning district -- not the bureaucratic category or description of a district.

"For example, the County of Maui allows schools in various zoning districts (including residential districts, Zero Lot Line districts, rural districts, and the specific Public/Quasi-Public district). A project for a public school would have consistency if a school is a use allowed in its zoning district whether the district is some kind of residential or public/quasi-public and a school is also a recognized use in the Community Plan designation and General Plan description. If a school is not an allowed use in the Community Plan or General Plan designation, then I would agree that a change would have to be pursued before the school is developed.

"I understand that this bill is a work in progress – a lot more work than progress I would add – and on that basis will vote to allow the process to continue."

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

"Thank you, Mr. Speaker. In support. In Hawaii County we might have six or seven community plans. They used to be advisory, but now they're being adopted as ordnance into law, and they could be contradictory. One plan could contradict the other plan, so there has to be an overriding force. That's why I support it."

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

"Just in support. In my district, it may allow some ag land to stay ag."

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

"Yes, I have strong reservations and would like the words of Representative from Kauai to be introduced as my own," and the Chair, "so ordered." (By reference only.)

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

"In strong support, Mr. Speaker. And I would just like to refer you to the Ewa Development Plan where if the County Plan would be the controlling authority, we would not have a say in the mounting development that goes on in our area without addressing the proper infrastructure that goes with those plans."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition as well. I would appreciate the words of the Representative from Hanalei to be entered as my own. Thank you.

"In addition, because this bill was supposed to clarify that the State General Plan remains the ultimate controlling entity. With the Office of Planning in disarray as it is as well, I would urge our colleagues to take a look at the voting record and see how close the votes were. Perhaps this warrants us to be more deliberate in looking at jumping forward and trying to determine, or direct what the counties are supposed to do. Thank you, very much."

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

"Yes, thank you very much. Mr. Speaker and Members. I speak in favor of HB No. 2904. A community plan should not be cast in cement where it cannot be changed. The county planner who administers the plan is subject to the laws of the respective counties which are done by the county council. The county council should be the body that makes the laws consistent as much as possible with the plan.

"But it is not the plan and the planner that will govern the land use laws in the respective counties. The entity who will govern and make the laws is the respective council. If the planner wants to make the law, they should run for office so they will have the power to make ordinances for the respective county.

"Again, a plan is what it is. It should not be cast in cement so that it cannot be changed by the respective political bodies which are the elected bodies. Thank you."

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

"In support. Mr. Speaker, I just want to clarify the mission of the Hawaii State General Plan. We're referencing actually Chapter 226, the Hawaii State Planning Act, and under that is Part 2, which is the planning coordination and implementation. It sets the policies and guidelines for planning, and also lays the groundwork for the counties to do their planning. It's also in HRS 46-4, where we're also laying the guidelines for the zoning, and in Chapter 205 we lay the guidelines for the classifications.

"So in all these laws, what we're trying to do is if it's a permitted use, it's a permitted use. If there's a lack of consistency based on technicality, what we're saying is to please allow the permitted use to proceed. What's happening is it is not proceeding, and what we're trying to do is make it clear that so long as it abides by the criteria of all the laws, it is a legal proceeding for that development.

"We're not trying to change anything other than what the law currently states here in all the different chapters, in the guidelines and criteria for land use planning. So that's what we're trying to do here. I would also like to enter written comments in support."

Representative Karamatsu's written remarks are as follows:

"I rise in support. House Bill 2904, House Draft 1 provides that the State General Plan shall remain the ultimate controlling authority of land use in the State of Hawaii. Within all State land use districts other than conservation, the counties have the authority to plan and zone pursuant to sections 46-4 relating to County Zoning and 226-58 relating to County General Plans of the Hawaii Revised Statutes. Even if they are discouraged, land uses that are permitted under: (1) the State General Plan; (2) a county's general plan or development plan; and (3) the county's current zoning, for a tract of land, shall not be denied for lack of consistency or conformity.

"I would like to clarify that the State General Plan should actually be the Hawaii State Planning Act as defined in Chapter 226 in the Hawaii Revised Statutes.

"We are emphasizing that a permissible use under the Hawaii Revised Statutes Chapter 205, relating to the Land Use Commission that defines the land use classifications; Hawaii Revised Statutes Chapter 226, relating to the State Planning Act; Hawaii Revised Statutes section 226-58 relating to County General Plans; and Hawaii Revised Statutes section 46-4 relating to County Zoning should be upheld when there are technical differences such as lack of consistency or conformity.

"As reflected in the testimonies on this measure, there is confusion among communities and planning directors of certain counties. This confusion stems from a misunderstanding of the hierarchy of the land use regulations that are mandated by State law. In particular, it is believed in some counties that zoning is not effective where it is contradicted by a county general plan. According to state law, this belief is incorrect. County general plans set goals and limitations to be followed when exercising zoning powers, but it is the zoning ordinances that dictate which uses of land are permissible.

"The Hawaii State Planning Act, as codified in Chapter 226 of the Hawaii Revised Statutes, requires counties to formulate county general plans that are to "indicate desired physical development patterns for each county and regions within each county." Further, such plans "should … contain objectives to be achieved and policies to be pursued with respect to … land use." These broad policies are just that – policies.

"In Chapter 46 of the Hawaii Revised Statutes, the state delegates to the counties the power to zone some of the lands on the islands. Section 46-4, particularly, requires that ordinances be passed which set out various land use regulations such as restrictions on the location of residential, industrial, and commercial buildings. These ordinances must "be accomplished within the framework of a long range, comprehensive general plan…" The statute further clarifies that "zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner." As it relates to land use, the county general plan is ineffective until the tool of zoning is utilized.

"House Bill 2904, House Draft 1, merely restates the law in a single stroke – obviating the need for an interested party to thumb through the various chapters of the Hawaii Revised Statutes and piece together the various pieces of the land use puzzle. In effect, it makes clear that zoning ordinances may never be passed that exceed the policies stated in a county general plan. However, where a county general plan changes and old zoning ordinances remain in place, the county general plan's policies are not effective with respect to land use until a new zoning ordinance reflecting such policies is passed, except as otherwise provided by state law. Thank you."

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

"Thank you very much, Mr. Speaker. I have serious reservations, and may I have the words of the speaker from Kahului entered in the record as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to the measure. I believe this bill will actually usurp the counties' home rule authority with respect to long range planning. I do believe the best land use decision can be made at the county level, much closer to the grassroots level. I think we ought to reconsider as this bill goes forward to the Senate, and see whether we really want to do this. Thank you."

Representative Carroll rose and asked that the Clerk record an no vote for her, and the Chair "so ordered."

Representative Morita rose to respond, stating:

"Thank you, Mr. Speaker. In opposition again. I just wanted to point out that every county has different ordinances and their charters are different. They hold or they elevate the community plans in different ways. Maui is pretty unique because it's specific in setting forth that the community plans are detailed. It also goes on to the ordinances really specific and it says, notwithstanding the provisions of this subsection (d)12 of this section, a community plan may contain one or more project districts wherein permitted land uses are identified; provided however, the council shall subsequently zone each project district consistent with identified land uses after holding a public hearing in the applicable region.

"So the zoning process may lag, but in Maui's case the community plans are again detailed and specific in its zoning. So to me, this is a Maui issue that elevates the community planning to a different level from other counties. Again it's a Maui County issue, and I don't believe that we as a State body should be intervening in it. Thank you."

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

"Thank you very much, Mr. Speaker. In support. Mr. Speaker, the intent of this legislation is to address conformity requirements that are inconsistent with State land use, general plan, community plans, zoning, and permitted uses. Mr. Speaker, if the inconsistency is technical by nature, my concern is that during this current economic time, it would be a shame for a project not to move forward with so many of our friends in the construction industry out of work because of a technicality.

"Now I support home rule and I support planning and the community plan. However, this is a problem and I think it at least deserves further discussion. I hope that the Members will support this going forward to the next Body and the conversation will continue. The current bill is defective so hopefully we'll get a chance to address it in this Body in Conference. Thank you."

Representative Herkes rose to respond, stating:

"Still in support. The current bill has its problems at the moment, as community plans become enacted in ordinance, but we have to look at Hawaii County as a whole. Now the county general plan has to determine where growth is going to be; where we should have preservation, where we should preserve our culture, and that has to be done island-wide. The community plans are going to run afoul of that. And so we need the county general plan to be the overlying plan."

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

"I have strong reservations and would like to submit written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations to H.B. 2904 - which prohibits using county general and development plans from serving as, or replacing, the county regulatory powers.

"This bill deserves our admiration for its intention to follow recommendations made by the Legislature's SCR 132 Task force, and I do respect its efforts to increase the transparency and efficiency of our State's permitting process. Indeed, as the Land Use Research Foundation testifies, we must not waste the thousands of dollars and many years which we would otherwise consume in efforts to alter minute literary discrepancies among various county general and development plans. The county regulatory powers offer zoning ordinances and subdivision rules and regulations which will, if used properly, streamline the land use approval process for greater transparency, facilitating communication and understanding among developers, contractors, lawmakers, and potential residents.

"I believe, however, that we must remain vigilant, and even creative. Numerous testimonies evoke well-founded doubts as to the eventual implications of H.B. 2904 on local counties. Maui County Council's Planning Committee Chair, Sol Kaho'ohalahala, warns that it would dramatically usurp county home rule authority over long range planning. Maui Director of Planning Jeffrey Hunt further states that it could eliminate developmental project reviews for plan compliance, valuable tools the community has already selected for growth management. Lanai resident Sally Kaye perhaps voices public perspective most poignantly, calling the local community planning process "the single most vital avenue our communities have to devise their own future," and elaborates that this method "should not be subjected to the influence of special interests outside of the established review process." We must remain particularly cautious that we do not eviscerate the local community planning process, as Ms. Kaye fears H.B. 2904 potentially could.

"In our strides to simplify regulations, we must not lose sight of the challenges our weak economy presents, and continue to bend our peeled ears toward all bills which might encourage its recovery. Although the county regulatory powers may serve as our guiding syllabus, and prevail over other documents in the event of minor discrepancies, we must not set it in concrete, and refuse to consider future amendments when they offer solutions more viable than the status quo. While this bill promises significant advantages in terms of clarity and efficiency, let it not blind us against the innovative strategies which our thirsty economy now craves. Thank you."

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

"Thank you, Mr. Speaker. In support with just a quick note. Having served on the County Council for 10 years, I do know that the General Plan often times is delayed, whether it's due to budgetary constraint or whatever the reasons are, sometimes the general plan is updated. And I think this bill before us just gives the ability for the county councils to act without waiting for additional action from the next General Plan. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS," passed Third Reading by a vote of 36 ayes to 15 noes, with Representatives Belatti, Berg, Carroll, Choy, Coffman, Hanohano, C. Lee, Luke, Morita, Nakashima, Saiki, Shimabukuro, Takumi, Thielen and Wakai voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 551-10) recommending that H.B. No. 2461, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2461, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, may I give some comments on Stand. Com. Rep. No. 551? Thank you, Mr. Speaker. The purpose of this bill is to provide continuity in healthcare by requiring health insurers and related entities who issue prescription drug coverage to offer insureds at least the same prescription drug coverage that they had under previous healthcare plans.

"Mr. Speaker, I do have reservations on this. I don't actually know if this is retroactive back to last November and December depending upon which plan you're on, but the people who had testified against this measure are the Department of Human Services, HMSA, Hawaii Association of Health Plans, Kaiser and Ohana Health Plan who all oppose this bill. I understand that it's supposed to help the consumer if they were on a medication before and they want to be able to have that medication again.

"The healthcare system is going through changes because we have to try and control costs. We as a State also have to try and control costs. We're dealing with a budget that is unbalanced, and we have to because the revenues aren't coming in. So the bigger picture is how do we help us get through this unbalanced budget?

"The issue here is that whenever you have these options, people don't want to make changes even if it's better for them, or it's cheaper for the health plan. And so as we move forward, even though I'm voting with reservations on this, I think that sometimes you have to, in order to control costs, try and push people towards that change. And then have a mechanism that if they truly need the type of drug that they were on before, then it goes through some kind of process that allows that to happen.

"But to just have it offered because you were on it before increases our cost in healthcare, whether you're a part of the EUTF or whether you're a part of Medicaid. This is something that I think we have to really 'hunker down' and say that our healthcare costs are expensive, we do have a pretty good system, but at the same time, you don't want these insurance costs to go up especially if we can still serve the need in these prescription drug plans. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2461, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 552-10) recommending that H.B. No. 2087, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2087, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I actually am rising in support of this measure. Thank you. This is Stand. Com. Rep. No. 552. The only thing is I'm a little perplexed at this because we had an earlier bill on the same issue of the Clean Claims Law that stated that these insurers are not to make late payments. And now this bill says that when you make late payments, we won't charge you interest. So I think it's going in different directions.

"I also want you to understand that the major problem, the root problem to all of this is, as the Health Chair had spoke on the other bill, as well as the Human Services Chair spoke on the other bill. The root problem is not necessarily the health plans in which both bills are directed to the health plans. The root problem is that we as a State can't afford to make the payment to these health plans and we would be delaying the payment $83 million into the next fiscal year. That's the problem. These two bills don't address that.

"So if you really, really want to talk about getting services to those who are needy and vulnerable, we're not doing that in these bills. It's saying that we're mandating health insurers to make the payments on time, and if they don't make the payment on time, they're not charged interest.

"Now I will do this because I think it's fair that we allow this bill to pass, but one of the concerns that I do have is the discussion that is taking place currently is can these health insurance insurers and these programs use some of the reserves that are readily available at this point and time to help State government because we can't make the payment. This may serve as a disincentive for them to not help us and that's my concern, but not enough to say that this is a fair bill that needs to be extended in no late payments to the health insurers. Thank you."

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

"Mr. Speaker, in support, Stand. Com. Report 552. Thank you. Mr. Speaker, I actually agreed with the Minority Leader. This is a good bill. The reason we need it is to support those healthcare providers that do not get paid for three or four months. Imagine a boss telling you Mr. Speaker, 'You're not going to get paid for four months. I'm sure you've got reserves. It'll be okay. Four months and you're not going to get paid, but you'll be okay.' That's what the State's doing in this case.

"The providers we're talking about are HMSA, Kaiser, AlohaCare, Ohana Health and Evercare. They can accept a two month delay. That's what we ascertained through our informational briefings, Mr. Speaker. But a three or four month delay, we don't think it's right. Therefore we don't think they should pay interest payments if they're not going to be paid three or four months. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

At 11:00 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2464, HD 2
H.B. No. 2434, HD 2
H.B. No. 2796, HD 1
H.B. No. 2904, HD 1
H.B. No. 2461, HD 2
H.B. No. 2087, HD 1

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 553-10) recommending that H.B. No. 1987, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1987, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, thank you. I'd like to express strong reservations on this fireworks bill. While this bill establishes the cause of action to abate the legal purchasing, selling, possession, setting off, igniting, or discharging of fireworks, it does not solve the problem. It actually will create a situation, and this was pointed out by the Kailua Representative earlier, where neighbors will be forced to hire a lawyer to sue their neighbors. Sometimes all you want them to do is stop their activity, but this is not in keeping with our culture and our aloha spirit. Residents should not be placed in this position to simply address the significant health and safety concerns the use of fireworks has presented.

"My office, and I'm sure all of our offices have received numerous pleas from constituents and others from all islands advocating a total ban on consumer fireworks. I believe this is the only way to stop the madness this cultural tradition has become, and to protect the health and safety of our citizens.

"Several people have been using the phrase, 'warzone' referring to last New Year's Eve. Mr. Speaker, I felt like yelling, 'incoming' every time I heard a concussion bomb or aerial device nearby.

"Mr. Speaker, even if we pass this bill to establish a cause of action or increase penalties, we will not see a significant reduction in the abusive use of fireworks. The police are not able to cite violators without witnessing the violation so it is well near impossible to cite anyone. And we lack the money and inspectors we need to search containers to keep illegal fireworks out of our State. The only option then is a total ban on the use of consumer fireworks.

"The rationale is clear: the health and safety of all our people, our seniors, our children, especially our babies, our asthma and emphysema sufferers. And how much can we ignore the testimony of our firefighters who have strongly advocated at every hearing for an end to this madness. This bill is not going out with a bang, but a whimper. Thank you for allowing me to rise in support, but expressing my frustration and my reservations. Thank you, very much."

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

"Thank you, Mr. Speaker, with serious reservations. And may I have the remarks of the Representative from Kaimuki-Kahala put in the Journal as my own? Mr. Speaker, I just want to note again that this bill would require neighbors to sue each other and that's just not the way to go. Thank you."

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

"Yes, Mr. Speaker. I'm rising with strong reservations, but coming from a different angle. This is my 6th year in this Chamber and we've talked about how to control fireworks year after year. But this last New Year's proved that all the measures that we have passed in these Chambers are really not addressing what the real issue is.

"The real issue, Mr. Speaker, the way I see it, is enforcement, which we don't have enough money for. I think that we should throw this to our communities. We have armed them with all the rules and laws there are to have. We started by asking them to pay a fee, which is called a Fireworks Permit. We have limited the time that they can ignite the fireworks, and we have even increased the penalties. As you can see, nothing seemed to work.

"So I think my humble idea is that we have to go back and retain our laws, but increase enforcement and tell these neighborhoods that if they want to control the noises that they're complaining about, they just have to take matters in their own hands. They don't have to sue their neighbors, but at least they can call the police and make a stand to say, 'My neighbor across the street has been firing fireworks.' Until the communities are ready to do that, there's nothing that we can do in this Chamber. We have empowered them, Mr. Speaker. Now they just have to act on it. Thank you."

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

"Thank you, Mr. Speaker. With reservations. It just seems to me that the whole point is to try and stop the illegals. If that's the case, we should be taxing fireworks and using them to fund inspection positions. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. The basic principle behind this bill is similar to the current law on the books regarding nuisance abatement in drug cases where you have a neighbor selling drugs. Or you have a neighbor manufacturing drugs or neighbor selling drugs to children. It's the same principle here.

"My belief is that illegal aerial fireworks are like bombs in someone's home or garage, and they're equally dangerous to neighbors and to those who live around these people. These people are in possession of these illegal substances. So that's the idea behind it. Thank you."

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

"Mr. Speaker, I rise with reservations. I concur with the comments made by the Representatives from Kaimuki-Waialae, and also Kailua in that the reality is, the common sense thing is that you certainly don't want to cause friction between your neighbors. We're on a small island. We have small neighborhoods. We don't want to cause irrevocable friction, but something needs to be done. I just don't think that it has to be something that is going to be where we cause that sort of friction. I prefer that we have some kind of anonymous hotline or something like that where people can let them know who's doing it, but it should not be where it causes friction in our neighborhood.

"Also, I just wanted to make a comment. When we say that it's cultural, I would say that a number of the fireworks that are going off that are not on New Year's Eve and not on Chinese New Year's Eve, it is not cultural. I doubt those are cultural, and they're the ones that are doing the illegal. I don't think they're doing cultural."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I'm in support of this bill. It's a tough bill and it's going to be a valuable addition to the total ban when we finally pass it. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. You know, unfortunately I think this discussion has spun a little bit out of control. If people would actually read the bill, this bill is actually talking about the nuisance abatement unit that currently exists under the Department of the Attorney General under HRS Section 712-1270, which actually was empowered by citizens, as well as our law enforcement. This is a unique tool where communities can take action and actually take charge of their own community.

"They don't have to actually go and sue their neighbor. That's not what the bill talks about. That's not what nuisance abatement is about. That is an option, but if people would actually read the statute and read the law, they understand that's not the only way it can be done. It can be done through the Attorney General. It can be done through the Prosecutor.

"This is basically saying that we are going to take these people that are doing illegal aerials, people that are selling fireworks without a license to other people. They will be akin to drug houses, to prostitution houses, and to gambling homes, and I think that is a valid discussion for us to have.

"I think on another day we will probably have a bigger discussion and more substantive discussion about fireworks. But I think that is inappropriate at this time because I think people are not reading this bill. Thank you."

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

"Thank you, Mr. Speaker, I do have reservations on this bill, and I did read it. I have reservations on Part 3. I'm not going to the specific nuisance abatement law, but Part 3 causes me some concern. It provides for the forfeiture of property used in violation of the fireworks law. I know that with drug houses, some of the issues that may come across to people who are the actual owners of the property, in case someone rents or that sort of thing.

"So I think when it comes to taking away something that may be the life earnings of a family or that kind of thing, that we need to seriously take a look at it. So I'm just going to be voting with reservations on that particular measure. Thank you."

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

"Thank you, Mr. Speaker. I rise with slight reservations. The reservation I have is with the Nuisance Abatement Section. When the Legislature first created the Nuisance Abatement Program under the Attorney General's Office it was kind of visionary for the Legislature to do so in response to the ice problem. We specifically created the Nuisance Abatement Section under the Attorney General's Office for the Attorney General's Office to have the tool to go after ice houses.

"Since that time, the vision that the Legislature had for the Nuisance Abatement Section has not reached its potential due to staffing and due to a lot of problems around the State. I think we need to continue our efforts to fight ice in the State. Trying to put additional burdens on the Nuisance Abatement Section, I just don't think they can currently handle additional work to close down basically houses that do illegal fireworks or other type of fireworks, because currently they can't even handle the drug house closures. Thank you."

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

"Thank you very much, Mr. Speaker. I read the bill I have reservations as well. I would like to have the comments of the Representative from Kahala and Kaimuki entered into the Journal as if they were my own. Thank you, very much. I can understand the Finance Chair's logic, that we do have something like this, and the Majority Leader's comment about nuisance abatement.

"The fundamental difference is that selling ice to kids, or a prostitution house, or running a gambling operation out of your home, these are all activities that are absolutely banned by law. Fireworks however are not banned. There's obviously a large amount of fireworks that we do allow people to use. We're talking about illegal fireworks, but the fact of the matter is, until we ban fireworks, until that point and then people still continue to flaunt the law, then I would think that we need some kind of

nuisance abatement in that regard. But until then, as we all know, it's not banned.

"So I think this is sort of taking a sledgehammer to a relatively small problem in that respect. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this measure. I would like to ask that the words of the speaker from Kahala be entered into the Journal as if they were my own. Thank you. I do know her concerns were with reservations, but actually I take a look at this bill and I believe it could be put in place in addition to, and with a total ban.

"And I've talked to a number of people in regards to fireworks, and what's not apparent to many is that actually during fireworks season, namely around New Years and the Fourth of July, I believe that it is more lucrative in some instances to be selling fireworks as opposed to drugs. So I take a look at fireworks just like dealing drugs, because it is illegal to deal drugs. It is illegal to sell aerial fireworks without the necessary permits, and it's very dangerous. In fact many of the so-called aerial bombs, and dry ice bombs, and concussion bombs, and the likes that went off and continue to go off in some cases, are actually as bad or worse than some of the bombs going off right now in Iraq and Afghanistan. They are IEDs. That's how the terrorists put together bombs that are blowing up people. Some of our service members.

"So I can't understand why we approach our fireworks that are just made like IEDs very differently from the IEDs in that country. I think people should take a look at this in light of the fact that we have the APEC Conference coming next year. If we cannot get a handle on these illegal bombs right now, and we cannot put more teeth in our laws, then I think we're in for a very rough time come next year around November. So Mr. Speaker, I support this measure and I do also support a total ban on fireworks. Thank you."

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

"I rise in support. I just want to clarify that there is a ban except for a few windows which are under 132D-3: 9 p.m. on New Year's Eve to 1 a.m. on New Year's Day; 7 a.m. to 7 p.m. on Chinese New Year's Day; 1 p.m. to 9 p.m. on the Fourth of July; or 9 a.m. to 9 p.m. as allowed by permit for those special events. So other than that, you can't do this. It's for those small little windows. Until then, it's a ban."

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I'm still with serious reservations. Last night, fireworks were going off in Kailua."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1987, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 554-10) recommending that H.B. No. 2661, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2661, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, may I have a ruling on a potential conflict? I'm part of the Advisory Board for the Organ Donor Center of Hawaii," and the Chair ruled, "no conflict."

Representative Finnegan continued in support of the measure with reservations, stating:

"Mr. Speaker, I just have a reservation on this particular bill and would like to speak just a little bit on it. Mr. Speaker, the purpose of this bill is to improve the availability of organ donations by establishing that only an expressed refusal by a person or persons authorized to amend or revoke a decision to make an anatomical gift will amend or revoke that decision.

"Mr. Speaker, this sounds like a really good bill, and for the most part I think it would help those who will be saved by organ donation. But it's a very sensitive issue that may have some negative consequences if we do push a bill like this forward. And the reason being is because when you're in the hospital and someone that's really close to you just passed away and they didn't tell you that they had put their wishes on their driver's license that says, yes they want to be an organ donor. And then the Organ Donor Center comes in and starts to talk to them about donating the organs of their loved one. What happens is, if the family cannot accept that at that point in time, the Organ Donor Center and that system kind of backs off a little bit. So this bill is trying to make it stronger than this process cannot be allowed.

"The problem is if the loved ones aren't educated about the person who is dying being an organ donor, it can cause problems with actually getting people eventually to be organ donors on their driver's license. It makes it harder to get people to say, 'yes I'm going to do this' because they're going to hear these horror stories about how the family was at the death bed of their loved one and they were trying to take their organs away.

"And so the issue here is as we move forward, I understand what this tries to accomplish, but the Organ Donor Center of Hawaii is already having a hard time getting people to acknowledge on their driver's license that they want to be organ donors. The real issue is probably education that could push this further. Education that a person who is an organ donor share that with their family and make their wishes known and have them respect their wishes so if something happens, that the family members aren't shocked by it and won't give a bad reputation to the organ donor societies across America. Thank you."

Representative Sagum rose in support of the measure and asked that the remarks of Representative Finnegan be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2661, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Third Reading by a vote of 51 ayes.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 555-10) recommending that S.B. No. 466, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 466, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Manahan voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 556-10) recommending that H.B. No. 2293, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2293, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of this measure. This bill will create a temporary source of funds for Department of Agriculture personnel and operating costs from a portion of agricultural loan repayments. Deep cuts were made to that Department so when the mandated RIFs began, key services like cargo inspections and commodities certifications were greatly reduced, adversely impacting the public and local producers.

"Because the Department relies heavily on State general funds to fund such positions, any economic demise will in turn affect the Department's personnel funding source. Moving costs like salaries, fringe benefits and operating costs away from the general fund safeguards funding for our ag inspectors and other Department workers so that the public's interests are protected while ensuring business continues in a timely fashion."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 556, I stand in opposition. Thank you, Mr. Speaker. Basically the purpose of this bill is to establish a temporary source of funds for Department of Agriculture personnel and operating cost by, and it basically says that it's going to use these funds for staffing DOA. It creates a special fund. Then it says that's it going to require interest and fees collected by DOA's Agriculture Loan Program to be deposited into the special fund. Then it takes a million dollars of this Agriculture Loan Program account and puts it into this special fund.

"Mr. Speaker, I understand fully what the Chair of Agriculture is trying to do. And I understand his passion for wanting to make this happen so that we can have agricultural inspectors and other staffing for the Department of Agriculture. I think it's very important and he mentioned why.

"What I would like to talk about is when we create these special funds and when we use these funds, sometimes we go a little bit off base to save a program or inspectors. What I mean by this is, if I understand the Agriculture Loan Program correctly, the program gives loans to people who are growing or in the agriculture industry here in Hawaii. Well, these fees are on these local farmers and we're using it to basically pay for, if it does end up being used for ag inspectors or whatever they are, from things coming in from the mainland and then dispersing to the different islands.

"It makes it really difficult for me to show this and to understand it, and the reason why we would want to do that for people who are borrowing money. Being charged a fee to borrow money to help with our ag industry locally here in Hawaii. So I would prefer that we take the Supplemental Budget from the Governor's Office and what they passed out, and in our budget to put some of the positions back instead of doing something like this which I think is more harmful. Thank you."

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

"Thank you very much, Mr. Speaker. In support. Just some brief comments. You know, I shared many of the concerns that the previous speaker had. And during the Committee hearing we were lucky to have a farmer who would be affected by this show up to testify. During the hearing, I asked him, 'If you don't have the inspectors to come in and to inspect, which is required by law for certification, what do you have to do?' And he responded that they would have to hire somebody, off time, fly them over to the island, pay for their airfare, their lodging, everything else, as well as remunerate them for their expenses. They told the Committee that doing that would be a much more fiscal hardship on their business than to have inspectors who could come out and inspect the crops for certification, which is required for them to export.

"So this is actually preferred by the businesses, as opposed to the cost and delay of bringing somebody over on their own dime from another island to do the inspection. Again, I am in support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 558-10) recommending that H.B. No. 2948, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2948, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I rise in support. This bill continues the Legislature's ongoing effort to protect Hawaii from invasive species.

"We are well aware that invasive species threaten Hawaii's economy, agriculture industry, its people, and environment. Prevention is a primary part of the mission of the Department of Agriculture and its Biosecurity Program. A key component is the timely and proper notification of the movement of goods and the expansion to include non-agricultural commodities, like rock. This is imperative so a sound decision can be made to determine when closer inspections are prudent.

"An estimated 500,000 containers move into Hawaii each year and another 500,000 moves from one island to another. Unfortunately, budget cutbacks caused crippling reductions in the Department's capability to review permit applications and to inspect cargo entering and moving between the islands.

- 28 of 50 general funded inspectors have been laid off statewide.
- Honolulu International Airport has only 6 inspectors when there used to be 19.
- Insect interceptions by Honolulu inspectors dropped from about 150 per month to about 10 per month.

"Knowing in advance what is arriving at our ports of entry is critical for the Department to efficiently deploy its acutely limited resources, protect the State from pest and disease introductions, and expedite the movement of cargo for the public's benefit.

"There must be adequate safeguards to prevent the introduction of invasive species into the State, as well as between the neighboring islands. This bill will be an important and fundamental step towards that goal and towards ensuring the success of the Hawaii Biosecurity Program."

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

"Mr. Speaker. Yes, on HB No. 2948, I will vote for this with reservations. I do appreciate the intent and desire to mitigate the infestation and infection of invasive species. However I'm concerned about the adverse impact that written notification of freight in advance of flights and cargo shipments would have with very short windows of opportunity that exist for interisland flights and hundreds of departures daily and the many dozens of containers arriving at our docks on a daily basis. This would result in many hundreds of bills of lading having to be submitted by shippers and approved by the Department of Agriculture.

"Those things, plus the impracticality of having to report to the DOA, and the Department having to respond, and the lack of harbor space to perform various functions make this a logistical nightmare for all parties involved. This will result in staggering delays of goods, including perishable foods to the Neighbor Islands. So I support the efforts to

prevent the onset of invasive species to our islands, but I don't think we should be 'pennywise and pound foolish.' Thank you."

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

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

"Mr. Speaker, thank you. On Stand. Com. Rep. No. 558, I do have some reservations which are very much in accordance with the speaker from Kahala. I'd just like to add that there is another bill that is very similar to this, HB 1684, HD 2 that is currently sitting in the Senate. I believe that we should have opted to put that bill in so that we could try to alleviate some of the concerns with Hawaiian Air and Young Brothers as the concern is some of these perishable items that they ship to the Neighbor Islands might be delayed. So I think that bill probably has language that would make it better for them. Thank you."

Representative Tsuji rose to respond, stating:

"Mr. Speaker, I would like to give some additional information and partial rebuttal please. Thank you. You know, Mr. Speaker, it's estimated that about a half million containers move through Hawaii each year, and interisland another half million goes from one island to another.

"Unfortunately, as we're beginning to understand the ramifications of the budget cutbacks, it's really caused a crippling reduction in the Department's capability to review permit applications, inspect cargo and really oversee the movement of cargo, especially the interisland movement. Recently 28 of 50 general funded inspectors were laid off, statewide. At Honolulu International Airport, there are only 6 inspectors available now, whereas there were 19 prior to the RIF or reduction in forces.

"What does this mean? Consider this very seriously. Insect interceptions by Honolulu inspectors previous to the RIF were about 150 per month. Today those interceptions are about 10 per month. What does this mean? That means these excess 'buggers' are coming into our ports undetected because we don't have adequate inspections. Knowing in advance what is arriving at our ports of entries is very critical to the Department to efficiently deploy its acutely limited resources. This bill is very important. There must be adequate safeguards and I urge you, Mr. Speaker, to support this bill. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 559-10) recommending that H.B. No. 2290, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2290, HD 2, pass Third Reading, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of this measure. This bill supports the operations of the Department of Agriculture and helps mitigate the negative effects by its recently completed reduction in force. It provides a dedicated source of funding for the agricultural commodity inspection activities by establishing an Agriculture Inspection and Certification Special Fund to receive fees, fines, penalties, federal funds, grants and gifts, and other moneys obtained in connection with agricultural inspection and certification.

"In this time of widespread cutbacks, the agricultural industry is confronting a substantial decrease in agricultural inspection services statewide. The ability to move products in and out of the State, as well as interisland is critical to the survival of the economy and of the ag industry. With reduced agricultural services, it is sensible to seek alternatives and solutions to ensure the Department of Agriculture is capable of meeting the needs of farmers and related organizations. By establishing this specific fund for services rendered, the Department can provide the necessary services that protect Hawaii's agricultural industry."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2290, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 560-10) recommending that H.B. No. 2291, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2291, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you. I rise with reservations and would just like to say a few words. Thank you, Mr. Speaker. The purpose of this bill is to make the Department of Agriculture or DOA's Measurement Standards Program financially self-supporting. In the measure, Mr. Speaker, it talks about it being self-supporting. The problem that I have with this new special fund is that one, I don't believe that it's going to be self-supporting, as well as we need to start the fund with $500,000. I don't believe that there is a means to be able to do that, especially with our challenges that we are facing in trying to balance the budget.

"Mr. Speaker, I believe that this revenue shortfall in this bill of being self-sufficient and using this fund is about $125,000. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this measure, specifically for the enactment of the special fund in its entirety. I think that because our Constitution mandates that we have to pass a balanced budget, I think it's more important that we have room to create special funds for days like this where we don't have any money. We have two special funds that we are now proposing to raid, and you know what those are. But I think that being that our Constitution was created so that we have to pass a balanced budget year after year, in order to protect those entities that are important and are subject to cuts or insufficient funds, that we should have special funds for them so we can tuck away money during years that we have plenty to use in years when we don't have enough. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am for this measure, but I have reservations. I have reservations on many of these measures that create special funds and increase fees one way or another. I haven't expressed them all, but I am voting positively for these measures because the DOA, the Department of Agriculture is so severely hit by budget cutbacks because they are heavily general funded. I think the need is so great that I feel that if the farmers are willing to underwrite some of these fees, and the agricultural community, then yes, we must pass these measures and perhaps we could later revoke them. Thank you."

Representative Tsuji rose to respond, stating:

"Mr. Speaker. In support and in rebuttal. This bill really looks toward special funding, but primarily the purpose of this and other bills that are going through the Legislature right now are they are trying to offset the

severe cutbacks that have been taking place because of the RIF or Reduction in Force effects on our Department of Agriculture. We are trying to get positive, and this is a positive measure to utilize fees for services. Unlike the coqui frog where it whistles and we know by the other whistles the location of this particular invasive species, others are silent invaders.

"But in this particular bill, less reliance on the general fund and particularly on special funds shows and indicates how important this particular Division of Weights and Measures is as far as providing a service to our community. I strongly support this, and I urge you to support this also. Thank you, very much."

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

"Yes, Mr. Speaker. I am in favor of this particular measure. Real quickly, I just want to accept the speech of the Chairman of Agriculture and include it as my own. I think he made a very important point. I wish to remind this Body here how important it is to have the Weights and Measures staff available. Maui County is without any weights and measures staff, so the people are at the mercy of all the businesses there, and the honesty of the businesses in having the weights and measures done correctly. My friend is smiling in the corner there.

"If you look at when you go to a grocery store, you have the scales there to weigh the meats and produce. There is, of course, gasoline and other areas where we all depended on weights and measures, certification and testing. We have nobody to test it now. So this bill will provide the remedy for that kind of a problem. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2291, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 562-10) recommending that H.B. No. 2409, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2409, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise with reservations on this bill. Thank you. Even in the hearing the implications of this bill weren't clear regarding fishponds as a viable new aquaculture setting. So I would urge us to pay attention when this bill comes back from the Senate to make sure that we can facilitate the fish ponds. Thank you."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support this measure with reservations. I appreciate the need to support the potential of aquaculture by allowing local farmers better opportunity to recoup required investment in costly aquaculture infrastructure and equipment. Providing a reasonable extension in lease terms proposed in this measure is touted as supporting increased investment in land-based, coastal, and ocean aquaculture ventures in Hawaii.

"I do object to the general policy change that would allow options on public lands for the first time – a right not afforded to any other tenant of the Public Land Trust. In a State where land is limited, competition for access and use of what limited government lands we control has been an important value and assumption in how we act as stewards of the Public Land Trust. When these lands are used for commercial gain by private individuals and companies, the State should be careful to ensure fairness in the process.

"I do not support giving tenants an absolute right of first refusal which forces the State to continue to exclusively lease to existing tenants – under existing law, there are adequate opportunities to provide extensions and other assistance when additional investment is proposed by tenants.

"I also have reservations in regards to open ocean fish farming. Industrial ocean fish farms should continue to be monitored for negative impacts on our environment. We are an ocean State and our nearshore waters are important for the recreational, cultural and spiritual well-being of all our residents – there should be a balance between access for all our residents and making these areas the exclusive province of commercial interests.

"So once again, Mr. Speaker, I vote with reservations."

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

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

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

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

"Thank you, Mr. Speaker. In support. This is a bill that actually helps the aquaculture industry. In these tough economic times, we're talking about economic development. One of those industries that I think could become a cornerstone is aquaculture. And all this bill does is allow for up to a 45-year lease. It does not mandate it. It creates a maximum. Many aquaculture businesses who receive federal loans or grants require that your lease exceed the grant or the lease terms by five years. That's why they need 45 years.

"We did accept some comments from the Department of Land and Natural Resources in which their main opposition was the first right of refusal, and instead of saying 'shall,' we changed it to 'may' so it allows the Department flexibility if they want to give the first right of refusal. If they don't and they don't like the lessee, they can cancel the lease without giving first right of refusal. I think this is a good way to help the aquaculture industry and does not cost money. Thank you."

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

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, this industry has died a thousand deaths and it has an innovative creative spurt now and then. It's something with a pioneering Tap Pryor spirit back in the 70s. There's something in this industry, if we can just develop it. You can put money, time, years, and be marginally successful.

"Other parts of the world are booming in aquaculture. We've given this industry 'lip service.' Just like agriculture, we give it 'lip service.' We don't give it money. We've got to take it off budget and give it a special fund. This one is simply giving these guys a little bit more time to get their money back.

"So far, aquaculture has not been a breadwinner. Aquaculture has not been a profitable industry. So when we say that these are things that we shouldn't be affording to the industry, if we want it to die off and let Thailand take over, which basically they have done to a great extent, we can do that. But if we mean it, we have got to have political will to do it, and this is a gesture to do that. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. During the Committee hearings, testimony was in support for longer term leases, amiable term leases. The

Division of Aquaculture within the Department of Agriculture is one of the highest rising endeavors within the State of Hawaii right now. We're not different.

"Aquaculture is unique in the State of Hawaii. We are totally surrounded by water, from the mountain to the sea and beyond the three-mile limits. Aquaculture is one of the entrepreneurial industries within the State of Hawaii. And those in the aquaculture industry need support from the Legislature and from the community. This bill would ensure partially that these entrepreneurs in the newly created, innovative industry would have some type of faith, looking towards the future for some type of return on their investment. Other comments will be provided for Journal entry. Thank you."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I speak in support of this measure. This bill encourages commercial aquaculture ventures in the State by providing favorable lease terms for public lands. Providing that the right of first refusal for aquaculture operations in good standing is permissive, public lands could be leased for this purpose for up to 45 years.

"There was opposing testimony in Committee hearings. However it is important to note that recent cuts to the Department of Agriculture resulted in significant reductions to its Aquaculture Division.

"With Hawaii's focus on sustainability - particularly the desire for decreased dependence on external food sources - finding ways to support and sustain our agriculture industry becomes even more important. This includes aquaculture.

"Testimony in support included statements that a longer term lease - one that is consistent with other types of land based leases - would give investors a higher degree of confidence in projects, and that professional farmers would be encouraged to invest in new areas of aquaculture.

"Lastly, since this State currently imports a high percentage of its seafood, the nascent aquaculture business should be supported and this measure is such a vehicle."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2409, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Third Reading by a vote of 51 ayes.

At 11:41 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1987, HD 2
H.B. No. 2661, HD 2
S.B. No. 466, SD 2, HD 1
H.B. No. 2293, HD 1
H.B. No. 2948, HD 1
H.B. No. 2290, HD 2
H.B. No. 2291, HD 2
H.B. No. 2409, HD 2

At 11:41 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:41 o'clock a.m. with the Speaker presiding.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 563-10) recommending that H.B. No. 2642, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2642, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 565-10) recommending that H.B. No. 2382, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2382, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2382, H.D. 1. This bill would establish digital media enterprise subzones, creating incentives, including tax credits for infrastructure and workforce development, in order to nurture the growing digital media industry in our State.

"Mr. Speaker, at a time when almost every sector of our economy is suffering in Hawaii, creative media stands out as a growing industry, hiring local people for well-paying jobs. Production on movies and television shows in our beautiful State has created hundreds of jobs and generated millions of revenue for local businesses. In addition to the talented media workforce that has emerged from the Waianae Seariders' pipeline – and the more than 80 media programs throughout our State's middle and high schools – the University of Hawaii has nurtured local talent through its Academy for Creative Media (ACM), which has grown exponentially since its founding about 5 years ago, building from 3 courses and 37 students, to 39 courses and 300 students. Graduates have written, directed and produced short films, interned for "Lost," and found full-time employment in the creative media industry.

"Within this thriving industry, digital media is growing as well. Earlier this year, Hawaii Animation Studios opened with 30 employees, most of them local graduates of UH, with plans to expand to 150 employees soon. Along with many other local companies, this represents a strong opportunity to build an industry utilizing "an indigenous creative workforce that happens to be the most coveted kind in the world," as ACM Founder and Director Chris Lee put it in his testimony before the Finance Committee on February 18, 2010.

"He went on to say, "Creative media production in all its forms, movies, television, software, video games, Internet multi-players, animation, music, visual effects, even Apple iPhone applications, is Hawai'i's best chance to soften the cyclical blows of our aviation fuel-based service economy," noting that this is possible because of broadband connections and the idea that "creative intellectual property requires only that we harness the natural skills of our students," not endless raw materials or transportation back to the mainland.

"Mr. Speaker, this bill attempts to build on this nascent success in Hawaii's digital media industry by offering incentives to further encourage development of our talented workforce by implementing digital media enterprise subzones within a set radius of UH campuses. It's not enough that we train these students, but that we provide opportunities for them after graduation, and that's what this bill would help facilitate.

"Digital media companies in the subzones would receive tax credits for infrastructure and workforce development. Similar tax credits have had marked success in other states. For instance, as Mr. Lee testified, Louisiana, which started tax incentives for film in 2001, went from two low-budget pictures shot in the State in 2001, to 21 low-budget schools and 5 big-budget pictures totaling $450 million in production spending in 2006. Multiple studios have also been constructed in the State. Internationally, New Zealand's tax credits for filming have lured projects such as "Avatar," which generated $50 million in taxes alone for New Zealand.

"House Bill 2382, HD 1 would help Hawaii do the same in nurturing an industry that will employ our talented young people, take advantage of the burgeoning creative media educational program that will be based at UH-West Oahu and further create much-needed jobs and industry based on the west side. This bill gives us an opportunity to put our young people at the

forefront of a growing global industry, while diversifying our State's economy. I urge my colleagues to support this legislation. Thank you, Mr. Speaker."

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

Representative Wooley's written remarks are as follows:

"During the Finance Committee hearing on this bill, we heard compelling testimony about the digital media industry and how promoting digital businesses will benefit our economy and the future for our children. This is a valuable discussion and an interesting idea full of potential.

"However, I have yet to see the details on how we could pay for this tax credit, or even how much it would cost us. Given our unprecedented budgetary challenges where we are searching for ways to find to fund, for example, long-established programs such as Kupuna Care or school for our children on Furlough Fridays, I question how the State could afford to provide a new tax credit.

"If the State government could print its own money, we might be able to afford it. However, the State can't print money. The State government's primary tools are to increase taxes or impose additional budgetary cuts – two options I hope the Legislature does not pursue at this time in the name of providing tax credits to one industry.

"Therefore, I support the discussion and the concept of promoting digital media, but I have concerns about how much the proposed tax credits would cost and how they would be paid."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Nakashima voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 567-10) recommending that H.B. No. 2133, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2133, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 567, if I could note my reservations with quick comments. The purpose of this bill is to improve efficiency within the government procurement process, and in some ways it can do that. Overall I think that this can work for some of the procurement contracts. I think through testimony, it sounded like maybe the language is a little overbroad and really rigid on the time limits, and it might not work for some other things. So I just have reservations as we move forward. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 568-10) recommending that H.B. No. 2381, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2381, HD 2, pass Third Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

Representative Finnegan's written remarks are as follows:

"I rise with reservations on this bill. HB 2381 provides a temporary tax credit for residential construction and remodeling projects. Although I appreciate the intent of the bill to spur activity in the construction industry, I do worry about the potential abuse of the tax credit for remodeling projects. In the past, this type of tax credit had a fifty percent abuse rate because the term "remodeling" was not defined properly. Given the tax revenue shortfalls that currently face the State, I am not sure if allowing for this type of tax credit is the most prudent way of managing our budget deficit at this time."

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

"On the same measure, Mr. Speaker, I just would like to state my reservation. In these times when we're in a revenue shortfall, giving a tax credit would be heading in the wrong direction. Thank you, Mr. Speaker."

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

Representative Wooley's written remarks are as follows:

"This bill proposes a 4% tax credit for residential construction. It is not clear how much this would cost the State, but it's in the range of $15 million. That's $15 million that the State will have to find elsewhere.

"If the State government could print its own money, we might be able to afford it. However, the State can't print money. To fund the tax credits, the State government's primary tools are to increase taxes or impose additional budgetary cuts – dollar for dollar. I have reservations about these kinds of proposals particularly given these challenging budgetary times where we have had to find over $3 billion over a two year period simply to balance the budget.

"One overarching problem with tax credits is the public never sees the bill – the tax credits are given out to special interests, but the total amounts are never reflected in the budget. In addition, projected and actual cost estimates are hard to come by. It is even difficult to identify the actual beneficiaries or the supposed increased economic activity caused by the tax credit (i.e, there may actually be no effect even if $15 million is paid).

"At the same time, I support the intent of helping to spur on residential construction in these tough economic times and I believe the discussion about job creation is warranted. If we combined these concepts with other goals, such as promoting green building jobs or affordable housing jobs and expertise, or even focusing the credit on remodeling and upgrading residential homes for our working families, then we may be able to justify the cost of such a tax credit."

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

"Thank you, Mr. Speaker, I rise in strong support of House Bill 2381, House Draft 2. Mr. Speaker, this bill provides a temporary tax credit for residential construction and remodeling projects. This bill will allow taxpayers who own residential, rural property to claim a tax credit equal to a percentage not yet determined, for residential construction and remodeling cost to a residential apartment unit or a single family home.

"Mr. Speaker, this tax credit was a recommendation of the construction industry task force which was established by Senate Concurrent Resolution No 132, SD 1, 2009, to develop and propose State actions to preserve and create new construction jobs. This bill is a win-win for homeowners, the construction industry, and the economy as a whole.

"First, as the real estate market has softened, it provides homeowners with an incentive to make improvements to their homes, thereby building equity in their homes. Second, as many people can finance the remodeling or renovations of their homes with a home equity line of credit, tapping into the financial markets is not an issue.

"Third, it will immediately put many of construction workers back to work. Mr. Speaker, with 52% of our construction workers on the bench, and as construction is a significant part of our economic growth, this bill will aid in both of these areas. Fourth, it provides an immediate infusion of cash into our economy. As we continue through this unprecedented fiscal crisis, any immediate infusion of funds will help our economic recovery more quickly.

"While opponents of this measure may criticize this measure because it does provide a tax credit, taking funds away from government which could have been collected, it is well documented that temporary tax credits lead directly to economic growth. Anne Kim and Ryan McConaghy, Director and Deputy Director respectively of the Third Way Economic Program think tank in Washington D.C. noted in a July 2009 publication that tax credits, "are a temporary investment in economic recovery and therefore worth the short term cost. In a market where Americans have literally seen trillions of dollars in home equity evaporate, providing a tax benefit to homeowners is a constructive step in halting economic freefall."

"Moreover, Mr. Speaker, in his verbal testimony before the Finance Committee, Lowell Kalapa, Director of the Tax Foundation, clearly articulated that this bill would be more advantageous than the Hotel Renovation Tax Credit. First, because of financial markets continue to be frozen, financial institutions are not making large loans. It is virtually impossible for hotels to even try to get the loan financing they need to take advantage of the Administration's proposal for a hotel renovation tax credit. In comparison, Mr. Kalapa noted that homeowners under this bill undoubtedly would be able to tap into a home equity loan.

"Second, even if the hotel would have obtained financing for the renovations under the Governor's proposal, the construction agreements completed, it would take so many years it would therefore obviate the need to infuse immediate funds into our ailing economy. Under this bill however, homeowners and contractors would be able to enter into renovation remodeling contracts relatively quickly and the work would be completed easily within a year, thereby providing immediate cash into our economy.

"Finally, although you would be giving a tax credit to the homeowner under this measure, Mr. Kalapa notes that you would still be collecting it from the contractors, thereby making the credit a wash.

"In summary, Mr. Speaker, this bill is a win-win all the way around. It provides our constituents with an opportunity to build equity in their homes, it provides an immediate infusion of funds into our ailing economy, and it helps put construction workers back to work. For these reasons, Mr. Speaker, I stand in strong support."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Har be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Carroll rose in support of the measure and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I am in support with a retort. The notion that this bill is going to bring in more money than the Governor's hotel renovation bill I think is flawed in its argument in that this is going to be a large number of small renovations versus what the Waikiki hoteliers have said that there will be considerable amounts, and millions of dollars in renovations in a period of time. So other than that, it's a good bill."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2381, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Nakashima voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 569-10) recommending that H.B. No. 2441, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2441, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill with reservations. HB 2441 requires contracts to be awarded within thirty (30) days of the bid opening date for projects from Hawaiian Home Lands, State transportation, county boards of water supply, and county departments of housing, planning and permitting, and transportation. This is part of the package introduced by the Construction Industry Task Force, bills meant to jump-start the State's stalled construction industry and get thousands of skilled and unskilled laborers off the unemployment rolls.

"The concern I have with this bill is that the time limitations might be impractical in some public works contracting circumstances. For instance, this measure may make sense in a simple situation such as a tree trimming contract where the scope of work is clear, but not in a complex project such as a rail design-build contract. I agree with the Department of Transportation's idea to provide exemptions to the 30-day period for situations where the procurement involves a design-build criterion, or where the lowest responsible bid exceeds the available funds, or if negotiating with the bidder would result in a situation that is in the best interest of the public.

"Once again, Mr. Speaker, I vote with reservations."

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

Representative Finnegan's written remarks are as follows:

"I have some reservations on HB 2441. This bill requires contracts awarded to projects of the Departments of Hawaiian Home Lands and Transportation; county boards of water supply; and county departments of housing, planning and permitting, and transportation to be awarded within 30 days of the bid opening date, subject to sufficient available funding and possible further negotiations to benefit the public.

"The measure also requires contracts by these agencies for design professional services to be awarded within 45 days of the bid opening date. This bill needs some work. It may be a step in the right direction of expediting a cumbersome process that can often adversely impact the financial bottom line of contractors. However, the timelines stipulated in this bill may be unrealistic in some cases. We need to ensure that appropriate safeguards exist in a workable and ultimately beneficial procurement process system. I will support this bill for now to see how it develops."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2441, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Berg voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 571-10) recommending that H.B. No. 2901, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2901, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, may I request a ruling on a potential conflict? I work as an electrical consultant," and the Chair ruled, "no conflict."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition of HB 2901. This particular measure establishes a discretionary request for competitive sealed proposal procedure using the design-build process where not more than five offerors selected on their qualifications submit proposals, and stipends are paid to unsuccessful offerors who allow the agency to use elements of their designs and waive their right to protest the award.

"It seems surprising to me that this bill would essentially subsidize losing bids. The potential of securing a government contract should be incentive enough to develop compelling, quality designs that ultimately prevail in the procurement process. Given the specificity of design requirements and needs, I cannot imagine many situations where there would be the ability to recycle unused designs for projects as this bill intends. It simply would not be feasible, nor would it yield the best quality structure for the State. This bill would be an expensive proposition for the State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2901, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Finnegan, Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 572-10) recommending that H.B. No. 2984, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2984, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker. Yes, I'd like a ruling on a possible conflict. I'm affiliated with a high tech company," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2984, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 575-10) recommending that H.B. No. 2074, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2074, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"I rise in strong support of HB 2074. This bill requires DOE to establish alternative routes to certification for principals and vice-principals. It also allows the DOE to, on a case-by-case basis, waive certification requirements until the alternative routes to certification are established.

"In this present time when it is all too apparent that our educational system is failing our children, we must change. This particular measure will enable the Department to attract and retain qualified leaders with real-world experience who can contribute to the management of our schools. It is time to start thinking outside the box and this bill is an innovative measure that does exactly that in terms of achieving educational reform."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2074, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Third Reading by a vote of 51 ayes.

At 11:53 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2642, HD 1
H.B. No. 2382, HD 1
H.B. No. 2133, HD 1
H.B. No. 2381, HD 2
H.B. No. 2441, HD 2
H.B. No. 2901, HD 2
H.B. No. 2984, HD 2
H.B. No. 2074, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 576-10) recommending that H.B. No. 2076, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2076, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to require the sharing of data across State agencies. This will support research that improves education and workforce outcomes while meeting the longitudinal data requirements of the federal American Recovery and Reinvestment Act (ARRA) of 2009.

"This bill affirms the State's intent to meet the four assurances required for ARRA funding. One of the four ARRA assurances specifically targets the use of data for improving student performance. Meeting all four of the assurances is dependent on the given agencies ability to access relevant data.

"Zero to five data is critical to ensure school readiness and success in future developmental phases. For this effort to succeed data needs to be shared. I urge our colleagues to support this bill. Thank you."

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

Representative Finnegan's written remarks are as follows:

"I rise in support of HB 2076 which requires the Department of Education, University of Hawaii, and Department of Labor and Industrial Relations to share data to support research that will improve educational

and workforce outcomes and meet the longitudinal data requirements of the federal American Recovery and Reinvestment Act of 2009.

"As it becomes increasingly more apparent that our country needs to better prepare students for the future, the State must make every effort to complement national reforms. The American Reinvestment and Recovery Act's Race to the Top initiative is a commendable step in the right direction. Ensuring that our State educational decisions and policies are rooted in empirical data will inevitably increase the efficacy of our educational system and the results for individual school children. In doing so, we help to build a more prepared and productive workforce."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 578-10) recommending that H.B. No. 2267, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2267, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"I rise in strong support of HB 2267. This measure requires the Department of Education to provide an early and equitable distribution of grant moneys received by the Hawaii Charter School Administrative Office when charter school enrollment numbers were used to secure federal grants.

"Public charter schools have proved to be one of our most effective educational alternatives to the traditional educational setting. Furthermore, President Obama has highlighted public charter schools as one of the foremost innovative educational reform tools. We must ensure that they receive their fair share of funds, especially when those moneys are earmarked for them."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on HB 2267, may I have a ruling on a potential conflict? My law firm might represent some Charters Schools and a non-profit that helps a Charter School," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 580-10) recommending that H.B. No. 2486, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2486, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. This is a bill for minimum instructional hours. Mr. Speaker, I just have small reservations. I note that charters schools are often innovative. They do things a little differently. Some have online learning, project based schedules and hours and I'm not sure how this applies to those types of programs. So my reservation is just that we find a way to work with that. Thank you."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, we cannot let our children's education be used as leverage in a political fight. Mandating a minimum number of instructional hours will prevent our students from being cheated out of a full education, and prevent such a debacle from happening every again."

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

"Thank you, Mr. Speaker, I rise in support of this measure, and I request permission to insert written comment as well. Thank you. Just very briefly, a few years ago I worked with the gentlemen from Florida to develop an econometrics model that takes into consideration factors that many teachers and educators in this State believe affect education, but they have no control over. Interestingly enough, Mr. Speaker, with those seven uncontrollable factors, when taken in total, we could predict test scores within three percentage points without even taking the test.

"The reason why I mention this is because the strongest and most influential indicator of student success is in fact, student attendance. And if a child if not in school, he or she will not learn. The reason for this bill and the reason why I support this bill is that we in Hawaii have difficulty understanding that. Not only because of the current furloughs, but more importantly just because of the way the current school year and the amount of hours and minutes that our children are in school, that's why we are where we are today. This measure provides some hope that we would be able to compete not only with our counterparts across the nation, but people across the world. Our children need to be in school, and this debate is not about furloughs. This debate is about the future of our children after we solve the furlough issue. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. This bill calls for a minimum of 1,080 student instructional hours per year in grades K-8. Based on the current school day, the increased number of instructional hours would amount to a 229 day instructional year. This would give us an increase of 45 days per year.

"The priorities now are to restore the furlough days for the remainder of this school year and next, and to increase the number of instructional hours in the school year as proposed in this bill. When Hawaii becomes the laughing stock of the nation or when the U.S. Secretary of Education makes hurtful comments against the education system in Hawaii in the Washington Post and the New York Times, I'm terribly concerned.

"I have spent my entire legislative career focused on the education of children in Hawaii. From 1994 until last year, I was extremely proud of what we have accomplished. "Education is our Top Priority" is not a slogan for me. Rather, it's a mission. Nearly each waking hour of my life as a state representative, I've tried to live for this mission.

"My wife and I have both greatly benefited from our own public school education. She graduated from Moanalua High School, and I graduated from Pearl City High School. In hindsight, we wouldn't have it any other way. We are proud graduates of Hawaii Public Schools. Even our two young children are educated at an elementary school in Aiea. They were both receiving the best education that money can buy until this past fall.

"Furloughs are a disgrace. We build schools so that children can learn in a safe environment. Schools are where dreams are developed. When schools are closed due to furloughs and children are left at home because we can't afford paying our teachers, they lose. And when children lose, we all lose.

"A few years ago, I spent a few years volunteering in our public schools. A good friend of mine Mark Hunter, who is a retired banker from Tampa, Florida, and I spent a few years working together on an econometrics model for public schools in Hawaii. This econometrics model took into consideration a few factors that some teachers say are beyond their control.

I call these "uncontrollables." These "uncontrollables" include things like the percentage of students who are on free and reduced lunch, the percentage of students in special education, the size of the school, the percentage of teachers with less than five years of experience, the teacher attendance rate, the student attendance rate, to name a few.

"We used eight of these "so-called" uncontrollables. With these data, we could determine scores of the Hawaii State Assessment within three percentage points before the test is even taken – before the test is taken. Before the test is taken, we know with some certainty that a certain school will hit a certain score on the state assessment.

"So how is this relevant to furloughs and to today's challenges? Here's why.

"The most important factor influencing performance on the State assessment is not whether a student gets free or reduced lunch or whether the teachers are just out of college. The most important factor impacting scores on the state assessment is student attendance. How well a student does in school is based on attendance. This makes perfect sense to me. If a student is not in school, she will not learn. And if she doesn't learn, she will not perform well on the State assessment. Again, if a student is not in school because his school is closed to furloughs, he will not learn. And if he doesn't learn, he will not perform well on the State assessment.

"Furloughs keep students at home. Furloughs keep students out of school. Not being in school means our children are not learning. Children who are not learning will not do well in school and will not do well on the State assessments. Our actions or lack thereof are hurting students, are hurting our children.

"Furloughs must end. They must end not only because we closed the schools and not only because they are an embarrassment to the nation. We must end furloughs because we're hurting our children and we are hurting our future. I urge our colleagues to support this bill. Thank you, Mr. Speaker."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support to H.B. 2486, which establishes a minimum number of instructional hours per school year for each grade. Although we find ourselves in a state of economic crisis, the education of Hawaii's students should always be one of our top priorities. We must recognize that the length of the instructional day in Hawaii's public schools is among the shortest in the nation. Hawaii has come up short with our schools having fewer than 750 instructional hours per year, when the standard for private and public schools is 900 hours per year.

"In addition, 80% of American schools spend less than Hawaii at $10,200 per student, yet we have less instructional time than any other state in the nation. These numbers cannot be ignored. Thank you."

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

"Thank you. In support, and may I have the words of the speaker from Newtown entered in the record as if they were my own? I have just a brief comment if I may, Mr. Speaker. I'd like to thank the proponents of this bill because I think this is a way for us to address this critical educational question without running into a situation which has happened in California whereby having instructional days set into law, they had to increase class sizes to 45 to 1, and let numerous teachers go. Thank you, very much."

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

"Yes, Mr. Speaker. I speak with some reservations. The reservation I have is that this might intrude in collective bargaining. It may also increase the cost of education. Right now we're at a situation where we're asking the Board of Education, at least the Senate is, to make an additional $37 million in cuts, which they just did. And because of the financial situation we have, it might not be appropriate to pass such legislation at this time, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. If you would please keep in mind that while there will be another bill coming over from the Senate that carves out instructional days, and you know there's always going to be this perennial debate about days versus hours. I think if we look at countries like China for example, that has 251 days versus the United States' average of 108 days; and Japan is at 243 days. South Korea has 220 days. But if you look at the ways these countries educate their children, they're actually in school, instructional time, for fewer hours than we actually have our children in. What they do in these countries, even though these children are in school for seven or eight hours a day, they have a lot of peer mentoring, and children working together in groups, and so on. That doesn't count as 'instructional time.'

"You know, there's always going to a be a great pedagogical debate as to whether or not an instructor standing in front of a group of children is the best way to deliver educational progress. That debate will continue. But I will say to the Representative from Maui that it is true. Article 16 of the HSTA agreement does lay out instructional hours, but again as we all know, once that contract is over we can pass a law that takes effect. We cannot reach into an existing contract, but we can, as long as we do it on a go-forward basis.

"And to respond to the other Representative from Maui, even if you put a minimum number of days or hours, it doesn't matter that it's prescribed by law. We would in this situation, had it been in effect, in my opinion we would either have to take pay cuts for the teachers, increase class size, or lay off teachers. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, we are in a crisis. This is about furloughs. It is about getting our kids back to school. It is about not 'dumbing down' our kids any further. And as we all count ourselves as policymakers from the various districts throughout the beautiful State of Hawaii, we have as our number one policy, education. For the speaker of Maui to say that this is a collective bargaining issue is to miss the point of what the responsibilities we have to set forth parameters of how we're going to be educated.

"Case in point, Mr. Speaker. Right now the people of Hawaii, 25 and above, the elders, the parents, are more educated than those kids 20 and below. We have 'dumbed down' a generation. In fact, as part of what's going on in America, the older generation was always less educated than the younger. Now we've reversed that. We talk about China. We talk about India. Those guys are going leaps and bounds ahead of us.

"This bill is a bare minimum of getting back in control of the policy of education in this State. It's a small step, but it's a very, very vital one. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2486, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 581-10) recommending that H.B. No. 2740, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2740, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.B. 2740, H.D. 1, Relating to Schools. The purpose of this bill is to address the need for the long-awaited Royal Kunia Elementary School II by utilizing Certificates of Participation (COPS) financing.

"Mr. Speaker, COPS is a different way of financing construction of our schools. As you know, the State traditionally floats general obligation bonds for capital improvement projects, including schools. The debt service is then paid off for the life of the bond. COPS, on the other hand, allows investors to pay for design and construction up front, with the State making lease payments to pay off the investment. At the conclusion of the payment term, the State will own the building. Rather than paying interest on the bond at the end of a project, which is done through traditional financing, COPS provides the investor with a return on the lease revenues associated with the offering. The advantage to COPS financing is that it will free the State from restrictions on the amount of general obligation bonds it can float.

"Mr. Speaker, the master planned community of Royal Kunia envisioned two phases. Phase I was built during the 1990's and at that time, many of the residents were promised a new elementary school. Those promises never materialized. Phase II is now proceeding with another 2000 units to be built. It is imperative that we approve this measure so that we can get this school, which was promised to the residents a decade ago, built now. Royal Kunia Elementary School II is now number four on the Department of Education's matrix for new school construction and we have a developer who is willing to proceed with the design and construction if we can pass this measure.

"As COPS provides the State with an alternative means of financing during these unprecedented fiscal times, I strongly support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 582-10) recommending that H.B. No. 2239, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2239, pass Third Reading, seconded by Representative Evans.

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

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2239. This measure removes the exemption for dietary supplements from the deposit beverage container program. I'm not a fan of this program and did not support the original deposit beverage container program. Cans and plastic bottles have proved very difficult for the public to redeem. Thus, whether this law pertains to dietary supplements or regular beverages, I disagree with the program."

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

"Thank you very much, Mr. Speaker. I rise with reservations on this measure. It just came to my attention perusing the bill that because dietary supplements could include Enfamil and other formula that is used by parents, and given the affect of the economy, especially on the most vulnerable sector for working mothers, I think that I have some concerns about this bill. Thank you very much."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. Reservations for myself as well and I appreciate what the Representative from Lahaina is sharing, and I wanted to say the same thing. Thank you."

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

"Thank you, Mr. Speaker. In support of this measure. Just for the edification of the Body, infant formula is not defined as a dietary supplement. There's a specific definition for dietary supplements and it's mainly any kind of beverage that includes vitamins, herbs, energy drinks, etc. But baby formula falls under another category, which I believe it's a medical supplement, and it's not affected by this bill. Thank you."

Representative Awana rose in support of the measure with reservations and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2239, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Brower, Finnegan and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 584-10) recommending that H.B. No. 2421, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2421, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to Stand. Com. 584, House Bill 2421, Relating to Government. Mr. Speaker, this is job-killer bill number one. This is the 'barrel tax.' This is the bill that goes from five cents a barrel, to $1.05 a barrel. This is a bill that's insidious. It's going to get at everything, not only from the gas pump, but to the oil that is keeping our lights on, to every piece of energy that's related to petroleum.

"We have taken from 1993 a bill that was set at five cents to put a reserve fund in case there was an oil spill. We didn't want the Exxon Valdez to happen here and if it did, we didn't want tourism to be spoiled so we put it in there. What's come from this environmental special fund is now, an omnibus bill for even saving food security and agriculture, which is a great thing. But to use it on this bill with this premise is a bit odd.

"The point is, it's going to increase the cost of living in Hawaii. It's going to increase the ability for jobs to be lost, and Mr. Speaker, I would say this. Governor Lingle, veto this bill, again. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support. I don't know of anybody in this Body here or in the entire State that goes against the purpose of this bill. I'm going to read these real quick. 'To promote economic development for local food and energy; become energy and food self-sufficient and sustainable; and utilize our natural resources to minimize the impact of carbon dioxide.'

"This bill, Mr. Speaker, supports our long term policies that we just put in place the last ten years in this Body. One is the Hawaii Clean Energy Initiative. The second one is our 2050 Sustainability Plan. We ask

ourselves, why now? This plan, this bill, and its purpose will span the next 20 to 40 years. We are going to see many economic cycles up and down related to this bill.

"Ask yourselves, why tax fossil fuel products? Well, we have an addiction to fossil fuel. Mr. Speaker, we have policies in place where we tax cigarettes, alcohol and other products. We do this to reduce usage. In the case of this bill, we want to promote renewable energy and local use of foods. We also do this to mitigate the problem just as in cigarettes and alcohol caused by addiction. This addiction we have spends and sends millions and billions of dollars outside of our State, hurting our economic development.

"This bill has minimal impact, Mr. Speaker. Every citizen can help manage this mitigation problem. You can turn off your lights. You can drive slower. The real world impact will be about 78 cents a month for your electricity bill. If you put about 15 gallons of gasoline in your car per week, this is going to cost you 37 and a half cents.

"Mr. Speaker, we have a great benefit for the startup of this bill this year during our economic downturn. Due to our and federal funding in fiscal year 2011, we would be able to transfer about $10 million to the general fund next year to get this program started, funds we won't need until fiscal year 2012. Thank you, Mr. Speaker."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes just in opposition, Mr. Speaker. I agree with the previous speaker that those things are very, very important and I really supported the original bill a year ago when it was actually a tax-neutral bill and it would not affect my constituents. I know that those numbers of 38 cents, and 20 cents, and so forth don't sound like a lot, but I've got to tell you that people from my community are really suffering because just about everything is 10 cents, and 20 cents, and 30 cents more. And then you add on this, a tax increase during a very difficult economic time, not just for individuals, but for our State and for our country. It's just perhaps maybe not the right way to do it at this time.

"The Governor had some great proposals in her Clean Energy Package that was not accepted. And it didn't charge more taxes on the people of Hawaii. I think we need to revisit those measures."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just wanted to note that the cost that we bear today would be somewhere in the neighborhood of, I believe the estimate last year was about $20 per person, per year, in the State. The savings in the long term, moving away from fossil fuels, are going to be somewhere in the magnitude of many hundreds of millions, if not billions of dollars. The choice we have today is whether we're willing to saddle ourselves in order to save our future generation from these added costs. So I rise in support and just request further written comments."

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, Hawaii imports more than 90% of its energy in the form of crude oil, and exports nearly $8 billion dollars to pay for it each year. As oil prices begin to skyrocket, so too will the cost of energy, goods and services in Hawaii. We must lay the groundwork today to become energy self-sufficient, if our economy is going to survive in the long term."

Representative Manahan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am rising in opposition to this bill. Thank you. The main opposition I have to this bill, as I mentioned yesterday when we were meeting about it, is the appropriation. I just feel that it's hard to justify that most of the taxes that will be generated from this are coming from Oahu and will be going to mostly Neighbor Island initiatives, which is fine. But I think it's inequitable right now the way bill is. And while it is a good idea, I think it is ill-timed right now, and it's a tax increase that I can't justify to my constituents. Thank you."

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

"Thank you, Mr. Speaker. I am in support, but I do have a very slight reservation. I appreciate that there is $10 million that is going to be going to the general fund. I just wish that this Body had kept in mind the Highway Special Fund which is being rapidly depleted right now. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please note my no vote and I would like to give just short comments in opposition. Thank you. You heard the concerns about the tax, and we've all experienced when taxes rise, especially with fossil fuels, how hard it is on our local residents. But I also just want to say that those of us who don't support this tax increase, we still support HCEI and moving forward. For instance, there's a bill coming up in just a couple more measures that talks about the HCEI Bond program that would work to help individuals and families be able to afford, with State help, afford getting some of these renewable energies either on their roof or to help them with their electricity. And in the long run and the short run, it's very beneficial.

"Mr. Speaker, you also know that the US Department of Energy looks to Hawaii as a leader in this area. You know and I know that Director Ted Liu went to the mainland and they're inviting him back to speak to others, especially others who are island communities, and we should be proud of where we're going with energy.

"I know that there's a lot to do, but this is a very difficult time for our residents right now. And when we talk about where we can cut or how to balance the budget and all of those types of things, we are also looking at a time when everyone's tightening up on spending, we're actually going forward with expanding government and that's a tough sell for a lot of people out there who are either losing their jobs, or getting furloughed, or getting RIF-ed, or all of those things. Yes we do want to invest in the future, Mr. Speaker, and I think we are with the measures that we are passing out. Thank you."

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

"Thank you, Mr. Speaker, in support of this measure. We spend millions of dollars attracting visitors to Hawaii and the visitor industry is the mainstay of our economy, but on the other hand we send out billions of dollars from our economy to pay for imported fuels and imported foods. So I view this bill as an economic driver for Hawaii by reducing our imports and creating economic opportunities statewide.

"Part of the reality is the transformation of our energy system and the rebuilding of our agricultural sector, and this is a statewide effort. It is not something that is solely focused on the Neighbor Islands. It is true that the bulk of our population is on Oahu, but again the resources to develop both our energy and agricultural infrastructure and needs are based on the Neighbor Islands. So I see this as the whole State working together and not a Neighbor Island versus Oahu issue.

"As our economy gets better, one of the things that we will be facing is increased energy costs as there will be more competition oil resources. As that happens, again cost will increase. And it will make it harder for the State to shift its position because whether it's taxation or increased fuel costs, we're going to have to pay for it. But at least by this additional tax on fossil fuel, on a barrel of oil, what will happen is it becomes an investment in ourselves in taking our economy in a different direction. Should we sit and do nothing? All we're doing is increasing our vulnerability and reliance on imported fuels.

"So I hope people will take this bill and look at it seriously to define our future. It is going to cost us money, but inaction will leave us in a far worse position. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in support with reservations. Mr. Speaker, I support the intent. I was a member of the 2050 Task Force that looked at sustainability which is quoted in this. We did understand the need for Hawaii to move toward more self-sustainability, both in energy and food production. However, Mr. Speaker, in talking with other task force members, there were concerns expressed on how to pay for it, and who bears the burden. So I do have some concerns that this will place the burden on the everyday people.

"You know $20 might not seem like a lot for you, but in a time in which we're having discussions of having people paying the co-pay for QUEST services, and discussions of having people paying a little bit extra for the basic necessities, I think that's something that we need to look at cautiously. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. This is a comprehensive bill that combines energy and food security. I truly believe that this plan has merit. It's very laudable. To reach Hawaii's long term food and energy security needs, I believe it is important that there is a balance between agriculture and energy production. For that, I'd like to say that I do support this measure and would like to submit further comments to be provided for the Journal. Thank you, very much."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2421 which would provide for long term energy and food security. Energy is a major component of this bill, but there is also an agricultural element that I would like to focus on.

"I believe the State is continually becoming more aware of food security issues, and would support initiatives towards that goal. Crop fields or cattle stock will not simply appear when our needs become sudden. These endeavors must be nurtured and cultivated, but our agriculture industry is struggling under dire conditions such as a bleak economy, prolonged drought conditions and increased fuel and production costs.

"Thirty-five cents of the assessed "Barrel Tax" would be earmarked for the Agricultural Development and Food Security Special Fund, and go towards agricultural projects including those intended to increase production or processing that may lead to reduced importation of food, fodder, or feed from outside Hawaii.

"This is a comprehensive bill that combines energy and food security - and the plan has merit. To meet Hawaii's long term food and energy security needs, it is important that there is balance between agriculture and energy production. A similar measure was passed by the Legislature last year, but was vetoed. Let us renew our effort by supporting this bill and establishing a stable funding source to provide for long term energy and food security in our State."

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

Representative Belatti's written remarks are as follows:

"I rise in support of HB 2421, HD2. In just a few short years, the State of Hawaii has made great strides in advancing energy independence by partnering with the United States Department of Energy in the Hawaii Clean Energy Initiative and collaborating with government and business entities including the State Public Utilities Commission, Hawaiian Electric Industries, Inc., the Kauai Island Utility Cooperative, and other local business organizations.

"A key component in moving this initiative forward, however, is establishing a dedicated source of funding, and not simply relying on the largesse of federal funds, to ensure we will be able to pay for the infrastructure, strategies, and programs identified by the Clean Energy Initiative to move Hawaii toward even greater energy independence. As it stands now, many of the positions now overseeing Hawaii's transition to a green economy are paid for by American Recovery and Reinvestment Act funds. Once these moneys are exhausted by the end of next year and we face the cliff caused by reliance on federal stimulus funds, these positions will be subject to lost funding and any advances previously made will be in jeopardy.

"Because House Bill 2421, HD 1 looks to the future and adopts a long-term view of how we, as a community, can commit to and invest in energy and food security, I support this measure."

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

"Mr. Speaker, I rise in support and request written comments to be submitted to the Journal. In addition, may I request the words of the Representative from Hanalei and the Representative from Kona be entered into the Journal as if they were my own? Thank you.

"And just briefly, I wanted to say this. I believe the figure that we've been using for a few years now is that we export about $7 billion of our gross State products in the form of oil. We pay for about $7 billion of oil, and any which way we can lessen that dependency on oil, I'm supporting.

"You know, Mr. Speaker, I introduced House Bill No. 1 last year, which created an opportunity to look at nuclear energy. I know that we're not there yet, but I do also know that if we do not look at this issue very carefully, we are going to saddle not only our children's future, but our children's children's future with some of these very bad, difficult and challenging decisions.

"So I think if we take a look at this from the perspective of decades and generations from now, where do we want to leave Hawaii. I think this measure before us moves us into the right direction. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I wish to speak on this measure with some reservations. The goals of this particular measure are laudable, and I think we all want to see a green society with farmers prospering, and the community prospering from such a measure like this. However, I believe the jury is still out. Some of the measures are quite utopian and not quite realistic. I personally would like more time to study the issue. But to give a signal out there that a bill like this was going to take care of all the ills, I don't think it will.

"Right now we have entrepreneurs doing many of the things that this bill purports to do. They're providing windmills, solar, photovoltaic, and every imaginable type of heat pumps that are available in the alternative energy area to save fossil fuels without a measure like this. Farmers are beginning to develop different niches that we have throughout this State as well as they can with the resources that they have.

"Mr. Speaker and Members, in all due respect to the Chair who's been working very hard on this measure, I believe that the jury is still out on this measure and with this, I have some reservations. Thank you."

Representative Pine rose to respond, stating:

"Still in opposition, Mr. Speaker. I just want to be very clear that we're very concerned about causing future problems for future generations, but what we're trying to emphasize the most right now is that this current generation is truly suffering, and they just simply cannot afford a tax increase that's regressive to every economic level. And again, the Governor's Clean Energy Initiatives have provided and shown that availability of her working relationship with the federal government to access federal funds for similar measures like this that would not increase taxes on the people of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2421, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Brower, Ching, Finnegan, Har, Manahan, Marumoto, Pine and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 585-10) recommending that H.B. No. 2631, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2631, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," passed Third Reading by a vote of 51 ayes.

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

H.B. No. 2076, HD 1
H.B. No. 2267, HD 1
H.B. No. 2486, HD 2
H.B. No. 2740, HD 1
H.B. No. 2239
H.B. No. 2421, HD 2
H.B. No. 2631, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 586-10) recommending that H.B. No. 2643, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2643, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in strong support of the Clean Energy Bonds bill. Mr. Speaker, I want to thank you for juxtaposing this side-by-side with the 'barrel tax' bill, because this is the way to go. This is probably one of the best bills that this Body will pass this Session. This is the bill that takes bond money, then in a creative way puts it through to the counties for individual businesses and particularly residents like all of us in this place here to put photovoltaic and solar on our roofs without the money up front so much as we amortize it through our property taxes.

"So this is a voluntary increase in your property taxes, but it's amortized over 20 years so you can have your house photovoltaic or totally put into solar. That means that the amount of money that you're saving and the amount of the carbon footprint that we're reducing is immediate, and it is now.

"This is such a creative way that fortunately, the tried and true Berkeley experiment is now going to be brought all over the country. Mr. Speaker, I think we can do even better than Berkeley if we really get behind this bill and really push it. Right now, I know the Chair of Finance has it blanked out and I understand the small amount that will be in there is like $5 million. It should be $50 million for openers. And Mr. Speaker, if we're really serious about removing the $7 billion that we're exporting for petroleum, this is the bill. This is the way. And this is the way that we can do it without any controversy. Thank you, Mr. Speaker."

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

Representative Finnegan's written remarks are as follows:

"I rise in strong support of HB 2643 which establishes a clean energy bond loan program for renewable energy system and energy efficiency improvements on residential and commercial properties, and authorizes the issuance of general obligation bonds to finance the program. This measure is a perfect example of how we can proactively encourage and nurture Hawaii's burgeoning renewable energy industry. The Lingle-Aiona Administration's Hawaii Clean Energy Initiative is revolutionary in its goals to transform Hawaii's energy industry and consumption. In fact, the U.S. Department of Energy has upheld Hawaii as a national model for other states in transforming fossil fuel-dependent economies. HB 2643 ensures that the State is able to grow and nurture the Hawaii Clean Energy Initiative."

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

"Thank you, Mr. Speaker, in support. I just want to clarify that this is a good tool to implement our Hawaii Clean Energy strategy, but again, it's only a tool. What is important is the strategy that is outlined in House Bill 2421. Again, it's a good tool, but it's difficult to move forward if we don't have an overall comprehensive strategy in place and the funding for that strategy. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker. One was saying that you can damn something with faint praise. I will say that this is only a tool, but it takes you off the grid. What more do we want for energy independence? It's more than a tool. It's to get a household off the grid because the photovoltaic funding upfront capital will be funded by this bill, and you just pay it off with your property tax. It takes you off the grid. What more of a tool do we want? What more of a way of lifting your foot and the footprint for all the electricity that we're burning with this oil is taken away.

"So I think we need to take this bill a little more seriously. If you want to raise taxes, that's fine. But this is a way you can do it cheaper, quicker, more efficiently, and it's already proven. It's happening with Berkeley and the other places, but they don't have the sunshine and the capacity to be a world leader as we have. Mr. Speaker, it's a matter of political will. Let's face it. We either are going to do it, or we're not going to do it and it starts here with this Body today. Thank you."

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

Representative Keith-Agaran's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2643 HD2 which establishes a Clean Energy Bond Loan Program through reimbursable general obligation bonds in order to help property owners with the cost of installation of renewable energy system and energy efficiency improvements on residential and commercial properties. For owners who participate, there will be an assessment on the property tax bill for a set number of years to repay those bonds.

"This measure will help owners defray the cost of installing energy efficient and green technology as well as cost saving benefit in lower utility bills. This measure will also create more jobs that help preserve our environment and increase competition in the business sector. Lastly, it will reduce our reliance on fossil fuel and supports advances in clean energy.

"This bill will help make cleaner energy available to the average homeowner. It's good that Hawaii took only two years to follow the lead of Berkeley which expanded the notion used in the Bay Area to make public facilities more energy efficient. I can't help but reflect that then Lt. Gov. Mazie Hirono in 2002 proposed adopting the public building precursor for Hawaii – something San Francisco began with its Solar Bond offering to retrofit city-owned buildings in 2001 – a step, if taken at the time, may have resulted in this idea now being touted as the "Hawaii model" rather than the "Berkeley model."

"It is for these reasons I support this bill and urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2643, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 587-10) recommending that H.B. No. 2644, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2644, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 588-10) recommending that H.B. No. 1961, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1961, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition to this measure, which imposes a $1 surcharge for every customer of an ocean recreation business that operates in or around Molokini and deposits the money into the Kahoolawe Rehabilitation Trust Fund.

"We are experiencing a period of unprecedented economic difficulty. When I was with Life of the Land, this discussion of Kahoolawe first took place and I supported it wholeheartedly. I was an early pioneer in supporting the rehabilitation of Kahoolawe and I fully support the work of the Kahoolawe Island Reserve Commission. They're doing important work, but we must understand the fiscal problems and I cannot support the imposition of this fee on our service. It will harm the business of tour operators.

"At the Finance Hearing on this bill, tour operators came from Maui at great expense of their own to testify against this bill. They recounted that the economic downturn has created hardship for their industry. They informed us that passenger counts are down significantly even though they are offering heavy discounts. They warn that this fee increase will be passed on to their consumers and although we think it's small, it will hurt them because every time they increase costs they lose business.

"Although this fee seems small, it burdens these companies with the responsibility to collect, report and administrate the fee. Moreover, they have already experienced increased cost to their business and new conditions to reduce damage to coral resources. They accept this increase because the costs are directly related to their operations there. However, this just increases their burden.

"And finally, it's a fee on a service where they are not stopping at Kahoolawe. The only possible connection Molokini has with the Forgotten Isle is that it is nearby. Mr. Speaker, it's a bad precedent and by doing this we continue to hurt business. I agree that rehabilitation of Kahoolawe is of great importance, but we move forward in a way that is transparent and that does not continue attaching fees for unrelated activities. Thank you."

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

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

"Thank you, Mr. Speaker. In support of Stand. Com. Rep. No. 588-10. Mr. Speaker, this bill is to 'think outside of the box.' When we went to Kahoolawe, which I represent, we realized that the trust fund is depleting and there is a need to somehow, like everything else that is before us, to figure out how we can provide funding without tapping the general fund.

"This bill was actually crafted working with the Senate and looking at Molokini because there is a connection with Molokini and Kahoolawe. One may say that Kahoolawe should also take on the responsibility of Molokini, but that is another discussion for the future.

"I'd like to encourage my colleagues here to support this bill to entertain the conversation to look at how we can better manage Molokini because there are concerns in the Native Hawaiian community as to how Molokini is managed. But also, if we were to look at Kahoolawe, that is the future of our Native Hawaiian people. There's a lot to be done and we don't have enough money in the trust fund. So I ask my colleagues to please support this measure and let the conversation move forward as we deliberate this issue. Thank you."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support H.B. 1961, H.D. 1 with reservations. HB 1961 HD1 imposes a $1 per customer surcharge on the 41 Molokini tour operators. The money generated will be deposited in the Ka'ho'olawe Rehabilitation Trust Fund rather than for management and sustainability of the Molokini reserve.

"My reservations are based on the possible negative impact this bill may have on 41 Molokini tour operators. Testimony against this bill raises legitimate issues about the hardship this may place on consumers, an undue burden on small business, and singling out one particular industry to shoulder the burden for a worthy, but unrelated cause.

"In addition, the collection process in the present draft places the onus on the State – presumably the Kahoolawe Island Reserve Commission (KIRC) – to pursue scofflaws who fail to pay the $1 surcharge (many customers purchase tickets for Molokini tours via activity package marketers, including internet outlets). Imposing the costs on the cash strapped KIRC to pursue individual customers for $1 appears impractical.

"As someone who had the privilege of sitting as a member of KIRC, I have no doubt about the importance of the restoration work so I support finding ways to add resources to the Trust Fund. Although Kaho'olawe rehabilitation and Molokini tour operators may seem unrelated, knowledgeable people point to a clear nexus between the two based on a traditional relationship that culturally links these areas – links reflected in oral historical accounts and Native Hawaiian stories. KIRC recognizes the link and has supported Molokini conservation efforts. The conservation efforts help preserve marine resources and serve as a sanctuary for species such as the Hawaiian Monk Seal and Humpback whale. Molokini tours benefit directly from such conservation efforts. This bill's proposed surcharge is not targeting an unrelated industry, and while the nexus may not be clear at first blush, the traditional link continues to exist.

"I support this bill with reservations."

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

"Mr. Speaker, I vote with reservations to continue the conversation."

Representative Shimabukuro rose in support of the measure and asked that the remarks of Representative Carroll be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose in support of the measure and asked that the remarks of Representative Carroll be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you. In support, Mr. Speaker. May I have the words from the Representative from Kahoolawe and Molokini entered in the record as if they were my own? And a brief comment on my own.

"First of all, the passenger counts, with all due respect to the previous speaker, are down because of the economy and because of the overall visitor market being down. This January we've seen a record rebound in occupancy and quite a bit of activity, so you'll see the passenger counts come up quite a bit.

"And the second thing is that with bills like this, it helps to talk to people effected, i.e. the visitors. I happened to go down to Lahaina Harbor this

weekend. I talked to many of them and said, 'Would give a dollar extra on your fee to preserve the Kahoolawe activities that are going on there?' And they all said yes, because they'd like to give a little something back. And that's the way they see it. Giving a little something back to make sure that the environment and the culture that they've enjoyed while they were here will be maintained and preserved for the future. Thank you, very much."

Representative Bertram rose in support of the measure and asked that the remarks of Representative Carroll be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWE REHABILITATION TRUST FUND," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 589-10) recommending that H.B. No. 2676, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWE ISLAND RESERVE COMMISSION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 591-10) recommending that H.B. No. 2053, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2053, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I just have real short comments on Stand. Com. Rep. No. 591, with reservations. I changed my vote from a no, to reservations.

"But this is in regards to the University of Hawaii capital improvements program, and I noticed that this has an effective date upon approval. One of the things that the Administration brought up while in testimony is that there may be room for using CIP money for operations and that would not be a positive move. So my reservations are on that effective date upon approval for that bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2053, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 597-10) recommending that H.B. No. 2829, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2829, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in support, but with reservations on this matter and I would like to state why. Before I go on to my reservations, I just would like to say this bill is a good bill, however there may be some unintended consequences. This bill talks about self-reporting by hospitals on infections acquired while in the hospital.

"It's not that I'm saying there should not be reporting, however I have my reservations that the outcome of hospital acquired infections is going to be reported to the media and anyone else that wants to get it.

"I'm not saying they should not, but it brings back memories to me of several decades ago when there was a report by then St. Francis Hospital, that they have the highest death rate in the whole State. And they did because they had the highest median age of all patients. They have a lot of elderly people in there because of the neighborhood. It wasn't fair that that information was used against them by the public. There was a remarkable drop in hospital admissions because of that fear. 'You're going to die if you go there.'

"But my reservation on this is, if this could be a competition driver for hospitals because the public may not be able to discern the statistics or the reasons for the increase of hospital acquired infections in the hospital. Those are my concerns, that it might have these unintended consequences. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am in opposition. Thank you, Mr. Speaker. What this bill does is it requires hospitals to disclose infection rates. I think infection rates are important to share with the public, but let me share with you some of the concerns. Hospitals in Hawaii have begun to address this issue already, individually and through the Health Care Association of Hawaii's Patient Safety and Quality Committee. This committee will address the issue of hospital acquired infections, as well as other quality and patient safety issues faced by hospitals and other health care providers.

"Additionally, the Patient Safety and Quality Committee has created an acute care data subcommittee that is responsible for defining, analyzing and formatting quality and safety measures and projects pertinent to acute care hospitals.

"Among other information, the subcommittee is considering infection control guidelines issued by the Centers of Disease Control and other agencies. The subcommittee will develop a strategy that all of Hawaii's hospitals can support.

"As the Department of Health pointed out, this legislative shortcut mechanism comes at an inappropriate time when hospitals can least afford to respond to this 'kneejerk' legislative mandate. According to the Department, 'State administrative rules already require data reporting for infections listed in the bill while other administrative while other administrative rules also require facilities to have active infection control programs. Medicare certification requirements require that Medicare approved hospitals and nursing homes have active infection control programs and national accreditation bodies such as the Joint Commission require infection control programs. All of Hawaii's hospitals and nursing homes are Medicare certified and all of Hawaii's major hospitals and medical centers are accredited. It is best to let the hospitals continue their work to create a reasonable workable transparent mechanism that will guarantee the greatest degree of success possible in providing quality health care for Hawaii's people.'

"Mr. Speaker, they're working really hard at this already. Let's allow them to do it well. Thank you."

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

"Thank you, Mr. Speaker. I vote with reservations for the same reasons expressed by our Minority Leader."

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

"Thank you, Mr. Speaker. In support. Very briefly, this legislation is in 27 states right now. And the bottom line is if you wanted to get infection rates from individual hospitals, you cannot get it right now in Hawaii. Thank you."

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

"Thank you, Mr. Speaker. I am standing in support with brief comments in support of the author. Mr. Speaker, this bill was created to increase transparency of the healthcare system. Mr. Speaker, the Consumer Union, which is the non-profit publisher of the *Consumer Reports* reported that the Center on Disease Control and Prevention estimates hospital costs of these infections can be as high as $4.5 billion each year.

"Mr. Speaker, the intent of this measure is to allow the consumers, we the patients, better access and understanding of hospital acquired infections. Again as stated by the previous speaker, 27 states have laws that require reporting hospital infections, and 21 states currently have reporting systems similar to the one proposed by my Vice Chair. Thank you."

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

Representative Belatti's written remarks are as follows:

"I rise in support of HB 2829, HD1. The National Centers for Disease Control (CDC) estimates that every year two million patients get an infection while being hospitalized for something other than their original diagnosis. The CDC estimates that as many as 90,000 people die annually from infections while in the hospital, incurring a cost of some $4,500,000,000. This bill seeks to address these healthcare quality and cost-control problems by requiring hospitals to report hospital-acquired infection rates. Twenty-seven other states have passed similar measures, and seventeen of those states publish this information.

"Because reporting has the potential to improve health care, reduce overall health care costs, and save lives, I support HB 2829, HD1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 598-10) recommending that H.B. No. 2084, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2084, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. Mr. Speaker, this is A Bill for an Act Relating to the Federal Disproportionate Share of Hospital Funds. A lot of the time we call it DSH. The purpose of this bill is to meet rising healthcare costs and ensure that Hawaii's residents have continued access to quality health care by appropriating State funds to maximize the availability of the federal Disproportionate Share Hospital Allowance. Mr. Speaker, this specifically appropriates $12.6 million.

"Mr. Speaker, we want to be able to pull in as much federal dollars as we can. We need to help our hospitals. A pretty significant problem is we're trying to balance a huge budget shortfall. $12.6 million is a lot of money, and I understand that there is a federal amount that we can get. But when the bottom line is we don't have money, then it's hard to do a match.

"Mr. Speaker, I would also like to say at this point in time, we hear all the time how our legislators are upset with Director Koller for all the different things that she does in the Department of Human Services. Well, let me just point out one thing having to do with these DSH payments. Director Koller has brought in $115 million for the hospitals since 2005. This is something that she had done that no one in State government had done since 1994. That's 11 years of not bringing in federal money.

"Mr. Speaker, as we move forward, I just wanted to share that if we're looking at a significant amount of $12.6 million, which I think that we should look at, then can we please at least ask where is that going to come from. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm standing in support. Just to add some comments in support Mr. Speaker, regarding DSH as explained by the previous speaker. I would just like to highlight that DSH partially pays for the care that is not covered by insurance such as Medicare, Medicaid, and private insurance as stated by the Health Care Association of Hawaii.

"Just for people to be aware, in 2009, Hawaii's hospitals experienced a loss totaling a $114 million in bad debt and charity care. Also Mr. Speaker, Hawaii's hospitals lost 20 cents on every one dollar spent on providing care for Med-QUEST patients, and 21 cents on every Medicare patient.

"So Mr. Speaker, in the current situation in which our healthcare is our lifeline, they provide 24-hour care, acute care, emergency care to the people that rely on us to make sure that the care they need for their family and friends is available, especially during times of crisis. Mr. Speaker, this bill would provide that. Thank you."

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

"Thank you, Mr. Speaker. In support of the same bill. And may I have the words of the Health Chair placed in the Journal as if they were my own? And I'd like to provide a few more comments. Thank you, very much.

"The Minority Leader brought up some very good points. I actually agree with the Minority Leader. It's going to take $12.6 million in State funds. What the Minority Leader didn't say is the federal funds that would be coming down because of the $12.6 million is $15 million, which was secured by Hawaii's Congressional Delegation. To pull $15 million down, it is true that we would need $12.6 million. With the Governor having a budget of over $5 billion, I think someone can prudently get $12.6 to collect our $15 million in federal funds waiting for us. For those reasons, I support the passage of this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2084, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

At 12:47 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2643, HD 2
H.B. No. 2644, HD 2
H.B. No. 1961, HD 1
H.B. No. 2676, HD 1
H.B. No. 2053
H.B. No. 2829, HD 1
H.B. No. 2084, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 599-10) recommending that H.B. No. 2085, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 601-10) recommending that H.B. No. 2688, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2688, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"I rise with reservations on HB 2688. This particular measure changes the name of the Environmental Health Education Fund to the Sanitation and Environmental Health Special Fund and allows the funds to be used for sanitation program activities and functions. It also increases the amount that the Fund may accumulate before the excess is transferred into the general fund.

"HB 2688 is essentially more budgeting on auto pilot. As the Department of Budget and Finance mentioned in its testimony, the proposed bill "limits the flexibility of the Executive Branch to review program funding requirements and allocate funding to programs based on statewide priorities within available resources." HB 2688 would not provide any flexibility to account for any adverse fiscal conditions the State faces. This measure is part of an alarming pattern developing that hurts our ability to reinvent government."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on H.B. 2688, Relating to Health. This bill changes the name of the Environmental Health Education Fund to the Sanitation and Environmental Health Special Fund, and allows the funds to be used for sanitation program activities and functions. It also increases the amount that the Fund may accumulate before the excess is transferred into the general fund.

"According to the Sanitation Branch, the program will raise the roughly $2,445,000 through an increase in the existing user fee charged to food establishments for their Department of Health Food Establishment Permit and feels this bill will lay the foundation for a world-class food safety program that is on par with the best food safety programs in the U.S. The bill establishes various initiatives to obtain proper staffing levels, move to a web-based inspection and Permitting process, and introduce a new placarding system.

"We must ask the question: Is this the time to implement more cost increasing numbers?

"Although this measure has good intentions to increase funds for sanitation program activities, I have deep concerns as to the costs this would mean to the State and the fiscal implications for the Food Service Industry and the residents and visitors of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 602-10) recommending that H.B. No. 2801, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2801, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise with strong reservations. Slight reservations. I have slight reservations about this. It's about making another emergency appropriation for the HHSC. Two brief points, Mr. Speaker.

"Number one, the bill is kind of a misnomer because to have an emergency appropriation it's supposed to have a message from the Governor unless the budget bill passes first. So it's kind of deceptive in that way. And unfortunately the bill is typical of what we do every year, and that is a bailout between $25 and $50 million per year.

"But my second point is, how long are we going to ignore the Stroudwater Report? The what report? The Stroudwater Report is what this Body, Mr. Speaker, last year commissioned to study what's going on with the HHSC. How can we make it better? The bottom line of that study is that HHSC is not a viable business model. Repeat. HHSC is not a viable business model and it is doomed to failure, as it has been failing $25 to $50 million per year. Unless it is restructured and run like the private sector, it is going to be doomed to failure.

"This bill, Mr. Speaker, buys into the old model, and I'm wondering how well it is going to be spent, and with those serious reservations I think we need to wake up to know that we have a hospital system that is very sick. The infection rates are off the charts and unless we do something, it's going to be a great sucking sound into the budget on this Floor every year. An emergency appropriation like this small $16 million one is going to be a drop in the bucket. So, Mr. Speaker, with that I say we've got to wake up to the Stroudwater Report. I urge all of my colleagues to read it and to see if we're going to do anything other than doing emergency appropriations. Thank you, Mr. Speaker."

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I strongly support HB 2801, HD 2, Making an Emergency Appropriation for Hawaii Health System Corporation for Operational Costs.

"HHSC operates two hospitals on Kauai: Kauai Veterans' Memorial Hospital (KVMH) and Mahelona Hospital. KVMH serves the West Kauai District with its hospital, clinic and emergency room services.

"For the Kauai Region, a cessation of payments from the State QUEST program is approximately $1 million per month. The Kauai Region would be short $3 million for the payments of April, May and June. Without the emergency appropriation from the State, the Kauai Region would not be able to cover the payroll as this cash flow is an integral part of their monthly collections. Other regions will probably be similarly affected.

"For this reason, I strongly support HB 2801, HD 2 to support our State Hospital System."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker. I understand that the money is needed for the emergency appropriation for HHSC. I do agree with the previous speaker from Hawaii Kai that mentioned the Stroudwater Report and really taking a better grasp on the way that the HHSC is set up.

"But what I would like to more so comment on is the second part of the bill that establishes the Big Island Rural Interdisciplinary Program in East Hawaii Region. Mr. Speaker, this is a program that is asking for emergency appropriations. This is very different from what emergency appropriations, in my opinion, should be. This is a program that had gotten off its feet by getting some federal money in, but also through appropriations, I believe made through the Legislature, and then the Governor decided not to release that. Knowing that the Governor was not going to release those funds, this particular program still moved forward.

"Mr. Speaker, there are so many things in our budget in programs that are underfunded and we can't get them done, and I think they rise to the level of this or surpass the level of this newly formed Big Island Rural Interdisciplinary Program. Mr. Speaker, for it to be an emergency funding to me is crazy. And that's the main reason why I'm voting no. If you want to fund the program, I mean we're also looking at putting $83 million of delay in funding until next year. We have Furlough Fridays. We have all of these issues, but yet we're putting a few million dollars into this program that should have had the foresight to see that maybe it wouldn't get the support, and maybe they should have pulled back a little bit. But they still moved forward full blast and ask for emergency appropriations.

"Mr. Speaker, I think that is wrong and I think that if you're going to fund it, use another mechanism, but definitely do not do it through emergency appropriations. Thank you."

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

"Thank you, Mr. Speaker, I rise in support. The previous speaker is an active and involved member of the Health Committee. I understand her concern. However I do want to state that the underlying bill is to help our Hawaii Health Systems Corporation.

"Mr. Speaker, due to the economic crisis and our current shortfalls, it is vital, vital, that we support in any way we can our HHSC system. Mr. Speaker, without supporting and funding, even if we're asking for $16.2 million, as well as the $2.5, this is a nominal amount of money compared to the $111 million currently that they're behind in, in the whole system. So Mr. Speaker, this measure, the intent is to assist in any way we can, to ensure that our Neighbor Islands and our rural health colleagues, get the adequate care for the people. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2801, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

At this time, the Chair stated:

"The Chair would like to take a recess for 35 minutes, for the Members of the House to have some lunch, and we'll reconvene at 1:30."

At 12:55 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:58 o'clock p.m.

At this time, the Chair stated:

"Members, at this time we are on page 18. And we ended at Stand. Com. Rep. No. 602-10. But before we continue on to 604, at this time Members, we will be taking two items out of order.

"Please turn to page 24, and refer to Stand. Com. Rep. No. 666-10, House Bill No. 2003, HD 2. Is everyone on page 24? We are taking this measure out of order."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 666-10) recommending that H.B. No. 2003, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2003, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Marumoto offered Floor Amendment No. 2, amending H.B. No. 2003, HD 2, as follows:

"SECTION 1. House Bill 2003, House Draft 2, is amended by deleting its contents, and replacing it with the following text, to read as follows:

"PART I

SECTION 1. This Act updates, organizes, and clarifies current campaign finance laws.

The laws have their genesis in Act 185, Session Laws of Hawaii 1973. Over the past thirty-five years, numerous amendments have been made to the campaign finance laws in a piecemeal fashion and, apparently, with little regard to the laws as a whole. The resulting laws are unorganized, difficult to read, and inconsistent in some areas. The current campaign finance laws are codified in part XII, subpart B of chapter 11, Hawaii Revised Statutes.

This Act organizes the campaign finance laws into a new part of chapter 11, with ten subparts. Long and involved sections are divided into shorter sections with clear titles for quick reference. All the laws on one subject are grouped together, in contrast to current campaign finance laws that require a reader to search through the entire subpart for laws that may apply to that one subject.

This Act is a product of the campaign spending commission's blue ribbon recodification committee (committee). The committee completed its work in 2008 after meeting regularly for nine months. The committee comprised the commission's staff and seventeen attorneys who were experienced in campaign finance law and who represented various interests.

The purpose of this Act is to update, organize, and clarify current campaign finance laws and make minor substantive changes to the current laws.

PART II

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"**PART . CAMPAIGN FINANCE**

A. Declaration of Policy; Construction of Laws

§11-A Declaration of policy. The purpose of this part is to ensure the integrity and transparency of the campaign finance process. Integrity is essential to promote the public's confidence in government. Transparency provides disclosure of contributions and expenditures to assure the public is fully informed.

§11-B Construction of laws. Any ambiguity in the provisions of this part shall be construed in favor of transparency.

B. Definitions

§11-C Definitions. When used in this part:

"Advertisement" means:

(1) (A) Any communication, exclusive of bumper stickers or other sundry items, that identifies a candidate either directly or by implication; and

(B) Advocates or supports the nomination for election of the candidate; advocates or supports the election of the candidate; or advocates or supports the candidate's defeat.

(2) (A) Any communication, exclusive of bumper stickers or other sundry items, that identifies an issue or question that has been certified to appear on the ballot at the next applicable election; and

(B) Advocates or supports the passage or defeat of the question or issue.

"Advertisement" does not include:

(1) A house bulletin; or

(2) An editorial or letter to the editor distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical

publication, unless such facilities are owned or controlled by any committee.

"Ballot issue committee" means a noncandidate committee that has the exclusive purpose of making or receiving contributions, making expenditures, or incurring financial obligations for or against any question or issue appearing on the ballot at the next applicable election.

"Campaign funds" means contributions, the candidate's own funds, interest, rebates, refunds, loans, or advances received by a candidate committee or noncandidate committee.

"Candidate" means an individual who seeks nomination for election or seeks election to office. An individual remains a candidate until the individual's candidate committee terminates registration with the commission. An individual is a candidate if the individual does any of the following:

(1) Files nomination papers for an office for oneself with the county clerk's office or with the chief election officer's office, whichever is applicable;

(2) Receives contributions, makes expenditures, or incurs financial obligations of more than $100 to bring about the individual's nomination for election, or to bring about the individual's election to office; or

(3) Gives consent for any other person to receive contributions, make expenditures, or incur financial obligations to aid the individual's nomination for election, or the individual's election, to office.

"Candidate committee" means an organization, association, or individual that receives campaign funds, makes expenditures, or incurs financial obligations on behalf of a candidate with the candidate's authorization.

"Clearly identified" means the name, photograph or other similar image, or other unambiguous identification of a candidate.

"Commission" means the campaign spending commission.

"Commissioner" means any person appointed to the commission.

"Contribution" means:

(1) A gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to fundraisers, for the purpose of:

(A) Influencing the nomination for election, or the election, of any person to office;

(B) Influencing the outcome of any question or issue that has been certified to appear on the ballot at the next applicable election; or

(C) Use by any candidate committee or noncandidate committee for the purpose of subparagraph (A) or (B);

(2) The payment, by any person or party other than a candidate, candidate committee, or noncandidate committee, of compensation for the services of another person that are rendered to the candidate, candidate committee, or noncandidate committee without charge or at an unreasonably low charge for a purpose listed in paragraph (1);

(3) A contract, promise, or agreement to make a contribution; or

(4) Any loans or advances that are not documented or disclosed to the commission as provided in section 11-SS;

"Contribution" does not include:

(1) Services voluntarily provided without compensation by individuals to or on behalf of a candidate, candidate committee, or noncandidate committee;

(2) A candidate's expenditure of the candidate's own funds; provided that this expenditure shall be reported as other receipts and an expenditure;

(3) Any loans or advances to the candidate committee; provided that these loans or advances shall be reported as loans; or

(4) An individual or candidate committee or noncandidate committee engaging in internet activities for the purpose of influencing an election if:

(A) The individual, candidate committee, or noncandidate committee is uncompensated for the internet activities; or

(B) The individual, candidate committee, or noncandidate committee uses equipment or services for uncompensated internet activities, regardless of who owns the equipment and services;

provided that the internet activity exclusion does not apply to:

(i) Any payment for an advertisement other than a nominal fee;

(ii) The purchase or rental of an e-mail address list made at the direction of a candidate committee or noncandidate committee; or

(iii) An e-mail address list that is transferred to a candidate committee or noncandidate committee.

For purposes of this exclusion, "internet activities" includes sending or forwarding electronic messages; providing a hyperlink or other direct access to another person's website; blogging; creating, maintaining, or hosting a website; paying a nominal fee for the use of another person's website; and any other form of communication distributed over the Internet.

For purposes of this paragraph, "equipment and services" includes computers, software, internet domain names, internet service providers, and any other technology that is used to provide access to or use of the Internet.

"Earmarked funds" means contributions received by a candidate committee or noncandidate committee on the condition that the funds be contributed to or expended on certain candidates, issues, or questions.

"Election" means any election for office or for determining a question or issue provided by law or ordinance.

"Election period" means:

(1) The two-year time period between the day after the general election through the day of the next general election if a candidate is seeking nomination or election to a two-year office; or

(2) The four-year time period between the day after the general election through the day of the next general election if a candidate is seeking nomination or election to a four-year office.

"Expenditure" means:

(1) Any purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of:

(A) Influencing the nomination for election, or the election, of any person seeking nomination for election, or election, to office whether or not the person has filed the person's nomination paper;

(B) Influencing the outcome of any question or issue that has been certified to appear on the ballot at the next applicable election; or

(C) Use by any party for the purposes set out in subparagraph (A) or (B);

(2) Any payment, by any person other than a candidate, candidate committee, or noncandidate committee, of compensation for the

services of another person that are rendered to the candidate, candidate committee, or noncandidate committee for any of the purposes mentioned in paragraph (1)(A); provided that payment under this paragraph shall include provision of services without charge; or

(3) The expenditure by a candidate of the candidate's own funds for the purposes set out in paragraph (1).

"Expenditure" does not include:

(1) Services voluntarily provided without compensation by individuals to or on behalf of a candidate, candidate committee, or noncandidate committee;

(2) Voter registration efforts that are nonpartisan; or

(3) An individual, candidate committee, or noncandidate committee engaging in internet activities for the purpose of influencing an election if:

(A) The individual, candidate committee, or noncandidate committee is uncompensated for internet activities; or

(B) The individual, candidate committee, or noncandidate committee uses equipment or services for uncompensated internet activities, regardless of who owns the equipment and services;

provided that the internet activity exclusion does not apply to:

(i) Any payment for an advertisement other than a nominal fee;

(ii) The purchase or rental of an e-mail address list made at the direction of a candidate committee or noncandidate committee; or

(iii) An e-mail address list that is transferred to a candidate committee or noncandidate committee.

For purposes of this exclusion, "internet activities" includes sending or forwarding electronic messages; providing a hyperlink or other direct access to another person's website; blogging; creating, maintaining, or hosting a website; paying a nominal fee for the use of another person's website; and any other form of communication distributed over the Internet.

For purposes of this paragraph, "equipment and services" includes computers, software, internet domain names, internet service providers, and any other technology that is used to provide access to or use of the Internet.

"House bulletin" means a communication sponsored by any person in the regular course of publication for limited distribution primarily to its employees or members.

"Immediate family" means a candidate's spouse or reciprocal beneficiary, as defined in section 572C-3, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses or reciprocal beneficiaries of such persons.

"Independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate that is not made in concert or cooperation with or at the request or suggestion of the candidate, the candidate committee, a party, or their agents.

"Individual" means a human being.

"Limited liability company" means a business entity that is recognized as a limited liability company under the laws of the state in which it is established.

"Loan" means an advance of money, goods, or services, with a promise to repay in full or in part within a specified period of time. A loan does not include expenditures made on behalf of a candidate committee or noncandidate committee by a candidate, volunteer, or employee if:

(1) A candidate, volunteer, or employee's aggregate expenditures do not exceed $1,500 within a thirty-day period;

(2) A dated receipt and a written description of the name and address of each payee; provided that the amount, date, and purpose of each expenditure is provided to the candidate committee or noncandidate committee before the candidate committee or noncandidate committee reimburses the candidate, volunteer, or employee; and

(3) The candidate committee or noncandidate committee reimburses the candidate, volunteer, or employee within forty-five days of the expenditure being made.

"Newspaper" means a publication of general distribution in the state issued once or more per month, which is written and published in the state.

"Noncandidate committee" means any organization, association, party, or individual that has the purpose of making or receiving contributions, making expenditures, or incurring financial obligations to influence the nomination for election, or the election, of any candidate to office, or for or against any question or issue on the ballot; provided that a noncandidate committee does not include:

(1) A candidate committee;

(2) Any individual making a contribution or making an expenditure of the individual's own funds or anything of value that the individual originally acquired for the individual's own use and not for the purpose of evading any provision of this part; or

(3) Any organization that raises or expends funds for the sole purpose of producing and disseminating informational or educational communications that are not made to influence a candidate’s nomination or election to office, question or issue on a ballot.

"Office" means any Hawaii elective public or constitutional office, excluding county neighborhood board and federal elective offices.

"Other receipts" means the candidate's own funds, interest, rebates, refunds, and any other funds received by a candidate committee or noncandidate committee, but does not include contributions or loans.

"Party" means any political party that satisfies the requirements of section 11-61.

"Person" means an:

(1) Individual,

(2) Partnership,

(3) Candidate committee,

(4) Noncandidate committee, including a party,

(5) Association,

(6) Corporation,

(7) Business entity,

(8) Organization, or

(9) Labor union and its auxiliary committees.

"Political committees established and maintained by a national political party" means:

(1) The National Committee;

(2) The House Campaign Committee; and

(3) The Senate Committee.

"Qualifying contribution" means an aggregate monetary contribution of $100 or less by an individual Hawaii resident during any matching payment period that is received after a candidate files a statement of intent to seek public funds. A qualifying contribution does not include a loan, in-kind contribution, or the candidate's own funds.

"Special election" means any election other than a primary or general election.

"Treasurer" means a person appointed under section 11-L and unless expressly indicated otherwise, includes deputy treasurers.

C. Campaign Spending Commission

§11-D Campaign spending commission established; composition. (a) There is established a campaign spending commission, which shall be placed within the department of accounting and general services for administrative purposes.

(b) The commission shall consist of five members representing the general public, appointed by the governor from a list of ten nominees submitted by the judicial council. A vacancy on the commission shall be filled from the list of nominees or by the reappointment of a commissioner whose term has expired, subject to the limit on length of service imposed by section 26-34. Notwithstanding section 26-34, appointments to the commission shall not be subject to senatorial confirmation.

(c) The judicial council may solicit applications for the list of nominees through community organizations and advertisements in any newspaper.

§11-D Terms of office. The term of each commissioner shall be four years.

§11-E No compensation. The commissioners shall serve without compensation but shall be reimbursed for reasonable expenses, including travel expenses, incurred in the discharge of their duties.

§11-F Duties of the commission. The duties of the commission under this part are to:

(1) Develop and adopt forms required by this part;

(2) Adopt and publish manuals for all candidates, candidate committees, and noncandidate committees, describing the requirements of this part, including uniform and simple methods of recordkeeping;

(3) Preserve all reports required by this part for at least ten years from the date of receipt;

(4) Permit the inspection, copying, or duplicating of any report required by this part pursuant to rules adopted under chapter 91 by the commission; provided that this paragraph shall not apply to the sale or use of information under section 11-CC;

(5) Ascertain whether any candidate, candidate committee, or noncandidate committee, or party has failed to file a report required by this part or has filed a substantially defective or deficient report, and to notify these persons by first class mail that the failure to file, or the filing of a substantially defective or deficient report shall be corrected and explained, and that a fine may be assessed. All fines collected under this section shall be deposited in the general fund of the State;

(6) Hold public hearings;

(7) Investigate and hold hearings for receiving evidence of any violations pursuant to subpart I of this part;

(8) Adopt rules pursuant to chapter 91;

(9) Request the initiation of prosecution for the violation of this part pursuant to section 11-III;

(10) Administer and monitor the distribution of public funds under this part;

(11) Employ or contract, without regard to chapters 76, 78, and 89, persons it finds necessary for the performance of its functions, including a full-time executive director, and to fix their compensation and to dismiss such persons;

(12) Conduct random audits and field investigations, as necessary; and

(13) File for injunctive relief when indicated.

§11-H Advisory opinions. The commission may render written advisory opinions upon the request of any candidate, candidate committee, noncandidate committee, or other person or entity subject to this part, as to whether the facts and circumstances of a particular case constitute or will constitute a violation of the spending laws. If no advisory opinion is rendered within ninety days after all information necessary to issue an opinion has been obtained, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a violation of the spending laws. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the candidate, any candidate committee or noncandidate committee, or other person or entity subject to this part, who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the persons in the request for an advisory opinion. Nothing in this section shall be construed to allow the commission to issue rules through an advisory opinion.

§11-I Political activities prohibited. (a) Each commissioner and employee of the commission shall not participate in any political campaign, including making a contribution to a candidate, candidate committee, or noncandidate committee, during the commissioner's term of office or employee's term of employment.

(b) Each commissioner and employee of the commission shall retain the right to:

(1) Register and vote in any election;

(2) Participate in the nonpolitical activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(3) Be a member of a political party or other noncandidate political organization and participate in its activities to the extent consistent with law; and

(4) Otherwise participate fully in public affairs, except as prohibited by law, in a manner that does not materially compromise the commissioner's or the employee's efficiency or integrity as a commissioner or employee or the neutrality, efficiency, or integrity of the commission.

(c) Any commissioner or employee of the commission may request an advisory opinion from the state ethics commission to determine whether a particular activity constitutes or would constitute a violation of the code of ethics or this section.

§11-J Exemptions. (a) The commission shall be exempt from section 26-35(a)(1), (4), and (5) and shall:

(1) Make direct communications with the governor and legislature;

(2) Make all decisions regarding employment, appointment, promotion, transfer, demotion, discharge, and job descriptions of all officers and employees of or under the jurisdiction of the commission without the approval of the comptroller; and

(3) Purchase all supplies, equipment, or furniture without the approval of the comptroller.

(b) The commission shall follow all applicable personnel laws.

D. Registration

§11-K Registration of candidate committee or noncandidate committee. (a) Each candidate committee or noncandidate committee shall register with the commission by filing an organizational report as set forth in section 11-L or 11-M, as applicable.

(b) Before filing the organizational report, each candidate committee or noncandidate committee shall mail or deliver an electronic filing form to the commission.

(c) The form shall include a written acceptance of appointment and certification of each report, as follows:

(1) A candidate committee shall file a written acceptance of appointment by the chairperson and treasurer and a certification by the candidate and treasurer of each filed report; or

(2) A noncandidate committee shall file a written acceptance of appointment by the chairperson and treasurer and a certification by the chairperson and treasurer of each filed report.

(d) The organizational report for a candidate committee shall be filed within ten days of the earlier of:

(1) The date the candidate files nomination papers for office; or

(2) The date the candidate or candidate committee receives contributions or makes or incurs expenditures of more than $100 in the aggregate during the applicable election period.

(e) An organizational report need not be filed under this section by an elected official who is a candidate for reelection to the same office in successive elections and has not sought election to any other office during the period between elections, unless the candidate is required to report a change in information pursuant to section 11-L.

(f) A candidate shall have only one candidate committee.

(g) The organizational report for a noncandidate committee shall be filed within ten days of receiving contributions or making or incurring expenditures of more than $1,000, in the aggregate, in a two-year election period; provided that within the thirty-day period prior to an election, a noncandidate committee shall register by filing an organizational report within two days of receiving contributions or making or incurring expenditures of more than $1,000, in the aggregate, in a two-year election period.

§11-L Organizational report, candidate committee. (a) The candidate committee organizational report shall include:

(1) The committee's name and address, including web page address, if any;

(2) The candidate's name, address, and telephone number;

(3) The office being sought by the candidate, district, and party affiliation;

(4) The chairperson's name, address, and telephone number; and if appointed, the deputy chairperson's name, address, and telephone number;

(5) The treasurer's name and address and, if appointed, all deputy treasurers' names and addresses;

(6) The name and address of each depository institution in which the committee will maintain any of its accounts and the applicable account number;

(7) A certification of information in the organizational report by the candidate and treasurer; and

(8) The name and address of each contributor who contributed an aggregate amount of more than $100 since the last election applicable to the office being sought and the amount and date of deposit of each such contribution.

(b) Any change in information previously reported in the organizational report with the exception of subsection (a)(8) shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.

§11-M Organizational report, noncandidate committee. (a) The noncandidate committee organizational report shall include:

(1) The committee's name, which shall incorporate the full name of the sponsoring entity, if any. An acronym or abbreviation may be used in other communications if the acronym or abbreviation is commonly known or clearly recognized by the general public. The committee's name shall not include the name of a candidate;

(2) The committee's address, including web page address, if any;

(3) The area, scope, or jurisdiction of the committee;

(4) The name and address of the committee's sponsoring entity. If the committee does not have a sponsoring entity, the committee shall specify the trade, profession, or primary interest of contributors to the committee;

(5) The name, address, telephone number, occupation, and principal place of business of the chairperson;

(6) The name, address, telephone number, occupation, and principal place of business of the treasurer and any other officers;

(7) An indication as to whether the committee was formed to support or oppose a specific ballot question or candidate and, if so, a brief description of the question or the name of the candidate;

(8) An indication as to whether the committee is a committee for a party;

(9) The name, address, telephone number, occupation, and principal place of business of the custodian of the books and accounts;

(10) The name and address of the depository institution in which the committee will maintain its campaign account and each applicable account number;

(11) A certification by the chairperson and treasurer of information in the organizational report; and

(12) The name, address, employer and occupation of each contributor who contributed an aggregate amount of more than $100 since the last election and the amount and date of deposit of each such contribution.

(b) Any change in information previously reported in the organizational report, with the exception of subsection (a)(12), shall be electronically filed with the commission within ten days of the change being brought to the attention of the committee chairperson or treasurer.

§11-N Treasurer. (a) Every candidate committee or noncandidate committee shall appoint a treasurer on or before the day it files an organizational report. The following shall be permissible:

(1) Up to five deputy treasurers may be appointed;

(2) A candidate may be appointed as the treasurer or deputy treasurer; and

(3) An individual who is not an officer or treasurer may be appointed by the candidate, on a fee or voluntary basis, to specifically prepare and file reports with the commission.

(b) A treasurer may resign or be removed at any time.

(c) In case of death, resignation, or removal of the treasurer, the candidate, candidate committee, or noncandidate committee shall promptly appoint a successor. During the period the office of treasurer is vacant, the candidate, chairperson, or party chairperson in the case of a party, whichever is applicable, shall serve as treasurer.

(d) Only the treasurer and deputy treasurers shall be authorized to receive contributions or make or incur expenditures on behalf of the candidate committee or noncandidate committee.

(e) The treasurer shall establish and maintain itemized records showing:

(1) The amount of each monetary contribution;

(2) The description and value of each nonmonetary contribution; and

(3) The name and address of each contributor making a contribution of more than $25 in value.

(f) The treasurer shall maintain detailed accounts, bills, receipts, and other records to establish that reports were properly prepared and filed.

(g) The records shall be retained for at least five years after the report is filed.

§11-O When an individual not to serve as a committee officer. No candidate committee or noncandidate committee that supports or opposes a candidate shall have an officer who serves as an officer on any other candidate committee or noncandidate committee that supports or opposes the same candidate.

§11-P Termination of candidate committee's or noncandidate committee's registration. A candidate committee or noncandidate committee may terminate its registration if:

(1) The candidate committee or noncandidate committee:

(A) Files a request for registration termination form;

(B) Files a report disclosing contributions and expenditures not previously reported by the committee and the committee has no surplus or deficit; and

(C) Mails or delivers to the commission a copy of the committee's closing bank statement; and

(2) The request is approved by the commission.

E. Reporting and Filing with the Commission

§11-Q Filing of reports, generally. (a) Every report required to be filed by a candidate or candidate committee shall be certified to be a true and accurate statement of the committee's activity by the candidate and treasurer.

(b) Every report required to be filed by a noncandidate committee shall be certified to be a true and accurate statement of the committee's activity by the chairperson and treasurer.

(c) The persons signing the electronic filing form shall certify that the electronically filed reports are true and accurate.

(d) All reports required to be filed under this part shall be filed on the commission's electronic filing system.

(e) For purposes of this part, whenever a report is required to be filed with the commission, "filed" means that a report shall be filed with the commission's electronic filing system by the date and time specified for the filing of the report by:

(1) The candidate or candidate committee of a candidate who is seeking election to the:

(A) Office of governor;

(B) Office of lieutenant governor;

(C) Office of mayor;

(D) Office of prosecuting attorney;

(E) County council;

(F) Senate;

(G) House of representatives;

(H) Office of Hawaiian affairs; or

(I) Board of education; or

(2) A noncandidate committee required to be registered with the commission pursuant to section 11-M.

(f) In order to be timely filed, a committee's reports shall be filed with the commission's electronic filing system on or before 11:59 p.m. Hawaii Standard Time on the filing date specified.

(g) All reports filed under this part are public records.

§11-R Candidate committee reports. (a) The candidate and treasurer shall file preliminary, final, and supplemental reports that shall disclose the following information:

(1) The candidate committee's name and address;

(2) The cash on hand at the beginning of the reporting period and election period;

(3) The reporting period and election period aggregate total for each of the following categories:

(A) Contributions;

(B) Expenditures;

(C) Other receipts; and

(D) Loans;

(4) The cash on hand at the end of the reporting period; and

(5) The surplus or deficit at the end of the reporting period.

(b) Schedules filed with the reports shall include the following additional information:

(1) The amount and date of deposit of each contribution and the name and address of each contributor who makes contributions aggregating more than $100 in an election period; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit;

(2) The amount and date of deposit of each contribution and the name, address, occupation, and employer of each contributor who makes contributions aggregating $1,000 or more during an election period; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit;

(3) All expenditures, including the name and address of each payee and the amount, date, and purpose of each expenditure. Expenditures for consultants, advertising agencies and similar firms, credit card payments, salaries, and candidate reimbursements shall be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;

(4) The amount, date of deposit, and description of other receipts and the name and address of the source of each of the other receipts;

(5) Information about each loan received by the committee, together with the names and addresses of the lender and each person liable, and amount of each loan. A copy of the executed loan document shall be received by the commission by mail or delivery on or before the filing date for the report covering the reporting period when the loan was received. The document shall contain the terms of the loan, including the interest and repayment schedule. Failure to disclose the loan or to provide documentation of the loan to the commission shall cause the loan to be treated as a contribution, subject to all relevant provisions of this part;

(6) A description of each durable asset, the date of acquisition, value at the time of acquisition, and the name and address of the vendor or contributor of the asset; and

(7) The date of disposition of each durable asset, value at the time of disposition, the method of disposition, and the name and address of the person receiving the asset.

(c) The candidate committee shall file a late contribution report as provided in section 11-W if the committee receives late contributions from any person aggregating more than $500.

§11-S Time for candidate committee to file preliminary, final, and supplemental reports. (a) The candidate and treasurer of each candidate whose name will appear on the ballot in the immediately succeeding election shall file preliminary, final, and supplemental reports.

(1) The filing dates for preliminary reports are:

(A) July 31 of the election year;

(B) Ten calendar days prior to a primary, first special, or first nonpartisan election; and

(C) Ten calendar days prior to a general, second special, or second nonpartisan election; provided that this preliminary report does not need to be filed by a candidate who is unsuccessful in a primary, first special, or first nonpartisan election or a candidate who is elected to office in the primary, first special, or first nonpartisan election.

Each preliminary report shall be current through June 30 for the report filed on July 31 and current through the fifth calendar day before the filing deadline of other preliminary reports.

(2) The filing date for the final primary report is twenty calendar days after a primary, first special, or first nonpartisan election. The report shall be current through the day of the applicable election.

(3) The filing date for the final election period report is thirty calendar days after a general, second special, or second nonpartisan election. The report shall be current through the day of the applicable election. The final election period report shall be filed by a candidate who is unsuccessful in a primary, first special, or first nonpartisan election or a candidate who is elected to office in the primary, first special, or first nonpartisan election.

(4) The filing dates for supplemental reports are:

(A) January 31 after an election year; and

(B) July 31 after an election year.

The report shall be current through December 31 for the report filed on January 31 and current through June 30 for the report filed on July 31.

(b) A candidate and campaign treasurer of each candidate with a deficit or surplus whose name will not appear on the ballot in the immediately succeeding election shall file a supplemental report every six months on January 31 and July 31 until:

(1) The candidate's name appears on the ballot and then is subject to the reporting requirements in subsection (a); or

(2) The committee's registration is terminated as provided in section 11-P.

The report shall be current through December 31 for the report filed on January 31 and current through June 30 for the report filed on July 31.

(c) A candidate and campaign treasurer of each candidate shall continue to file all reports until the committee's registration is terminated as provided in section 11-P.

§11-T Noncandidate committee reports. (a) The authorized person in the case of a party, or treasurer in the case of a noncandidate committee that is not a party, shall file preliminary, final, and supplemental reports that disclose the following information:

(1) The noncandidate committee's name and address;

(2) The cash on hand at the beginning of the reporting period and election period;

(3) The reporting period and election period aggregate total for each of the following categories:

(A) Contributions;

(B) Expenditures; and

(C) Other receipts;

(4) The cash on hand at the end of the reporting period; and

(5) The surplus or deficit at the end of the reporting period.

(b) Schedules filed with the reports shall include the following additional information:

(1) The amount and date of deposit of each contribution and the name, address, occupation, and employer of each contributor making a contribution aggregating more than $100 during an election period, which was not previously reported; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit;

(2) All expenditures, including the name and address of each payee and the amount, date, and purpose of each expenditure. Expenditures for consultants, advertising agencies and similar firms, credit card payments, salaries, and candidate reimbursements shall be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;

(3) The amount, date of deposit, and description of other receipts and the name and address of the source of each of the other receipts;

(4) A description of each durable asset, the date of acquisition, value at the time of acquisition, and the name and address of the vendor or contributor of the asset; and

(5) The date of disposition of a durable asset, value at the time of disposition, method of disposition, and name and address of the person receiving the asset.

(c) No loan may be made or received by a noncandidate committee.

(d) The authorized person in the case of a party, or treasurer in the case of a committee shall file a late contribution report as provided in section 11-W if the committee receives late contributions from any person aggregating more than $500 or makes late contributions aggregating more than $500.

§11-U Time for noncandidate committee to file preliminary, final, and supplemental reports. (a) The filing dates for preliminary reports are:

(1) Ten calendar days prior to a primary, first special, or first nonpartisan election; and

(2) Ten calendar days prior to a general, second special or second nonpartisan election.

Each preliminary report shall be current through the fifth calendar day prior to the filing of the report.

(b) The filing date for the final primary report is twenty calendar days after the primary, first special, or first nonpartisan election. The report shall be current through the day of the applicable election.

(c) The filing date for the final election period report is thirty calendar days after a general, second special, or second nonpartisan election. The report shall be current through the day of the applicable election.

(d) The filing dates for supplemental reports are:

(1) January 31 after an election year; and

(2) July 31 after an election year.

The report shall be current through December 31 for the report filed on January 31 and current through June 30 for the report filed on July 31.

(e) The authorized person in the case of a party, or treasurer in the case of any other noncandidate committee shall continue to file all reports until the committee's registration is terminated as provided in section 11-P.

§11-V Reporting expenditures. For the purposes of this part, an expenditure is deemed to be made or incurred when the services are rendered or the product is delivered. Services rendered or products delivered for use during a reporting period are deemed delivered or rendered during the period or periods of use; provided that these expenditures shall be reasonably allocated between periods in accordance with the time the services or products are actually used.

§11-W Late contributions; report. (a) The candidate, authorized person in the case of a noncandidate committee that is a party, or treasurer in the case of a candidate committee or other noncandidate committee, that within the period of fourteen calendar days through four calendar days prior to any election, makes contributions aggregating more than $500, or receives contributions from any person aggregating more than $500, shall file a late contribution report on or before the third calendar day prior to the election.

(b) The late contribution report shall include the following information:

(1) Name, address, occupation, and employer of the contributor;

(2) Name of the candidate, candidate committee, or noncandidate committee making or receiving the contribution;

(3) The amount of the contribution;

(4) The contributor's aggregate contributions to the candidate, candidate committee, or noncandidate committee; and

(5) The purpose, if any, to which the contribution will be applied.

(c) A late contribution report filed pursuant to this section shall be in addition to any other report required to be filed by this part.

§11-X Final election period report for candidate committee or noncandidate committee receiving and expending $1,000 or less during the election period. (a) Any provision of law to the contrary notwithstanding, a candidate committee or noncandidate committee whose aggregate contributions and aggregate expenditures for the election period total $1,000 or less, shall electronically file only a final election period report, and need not file a preliminary and final primary report, a preliminary and final general report, a preliminary and final first special report, a preliminary and final second special report, a preliminary and final first nonpartisan report, and a preliminary and final second nonpartisan report.

(b) Until the candidate committee's or noncandidate committee's registration is terminated as provided in section 11-P, supplemental reports and other reports required by this part shall be filed.

§11-Y Failure to file report; filing a substantially defective or deficient report. (a) True and accurate reports shall be filed with the commission on or before the due date specified in this part. The commission may assess a fine against a candidate committee or noncandidate committee that is required to file a report under this part if the report is not filed by the due date or if the report is substantially defective or deficient, as determined by the commission.

(b) The fine for not filing a report by the due date, if assessed, shall not exceed $50 per day for the first seven days, beginning with the day after the due date of the report, and shall not exceed $200 per day thereafter; provided that:

(1) In aggregate, the fine shall not exceed twenty-five per cent of the total amount of contributions or expenditures, whichever is greater, for the period covered by the report; and

(2) The minimum fine for a report filed more than four days after the due date, if assessed, shall be $200.

(c) Subsection (b) notwithstanding, if a candidate committee does not file the second preliminary primary report or the preliminary general report, or if a noncandidate committee does not file the preliminary primary report or the preliminary general report by the due date, the fine, if assessed, shall not exceed $300 per day; provided that:

(1) In aggregate, the fine shall not exceed twenty-five per cent of the total amount of contributions or expenditures, whichever is greater, for the period covered by the report; and

(2) The minimum fine, if assessed, shall be $300.

(d) If the commission determines that a report is substantially defective or deficient, the commission shall notify the candidate's committee by first class mail that:

(1) The report is substantially defective or deficient; and

(2) A fine may be assessed.

(e) If the corrected report is not filed with the commission's electronic filing system on or before the fourteenth day after the notice of deficiency has been mailed, the fine, if assessed, for a substantially defective or deficient report shall not exceed $50 per day for the first seven days, beginning with the fifteenth day after the notice was sent, and shall not exceed $200 per day thereafter; provided that:

(1) In aggregate, the fine shall not exceed twenty-five per cent of the total amount of contributions or expenditures, whichever is greater, for the period covered by the report; and

(2) The minimum fine for not filing a corrected report more than eighteen days after the notice, if assessed, shall be $200.

(f) The commission shall publish on its website the names of all candidate committees that have failed to:

(1) File a report; or

(2) Correct a report within the time allowed by the commission.

(g) All fines collected under this section shall be deposited into the general fund.

§11-Z Electioneering communications; statement of information. (a) Each person who makes a disbursement for electioneering communications in an aggregate amount of more than $2,000 during any calendar year shall file with the commission a statement of information within twenty-four hours of each disclosure date provided in this section.

(b) Each statement of information shall contain the following:

(1) The name of the person making the disbursement, name of any person or entity sharing or exercising discretion or control over such person, and the custodian of the books and accounts of the person making the disbursement;

(2) The state of incorporation and principal place of business or, for an individual, the address of the person making the disbursement;

(3) The amount of each disbursement during the period covered by the statement and the identification of the person to whom the disbursement was made;

(4) The elections to which the electioneering communications pertain and the names, if known, of the candidates identified or to be identified;

(5) If the disbursements were made by a candidate committee or noncandidate committee, the names and addresses of all persons who contributed to the candidate committee or noncandidate committee for the purpose of publishing or broadcasting the electioneering communications;

(6) If the disbursements were made by an organization other than any candidate committee or noncandidate committee, the names and addresses of all persons who contributed to the organization for the purpose of publishing or broadcasting the electioneering communications; and

(7) Whether or not any electioneering communication is made in coordination, cooperation, or concert with or at the request or suggestion of any candidate, candidate committee, or noncandidate

committee, or agent of any candidate if any, and if so, the identification of the candidate, a candidate committee or a noncandidate committee, or agent involved.

(c) For the purposes of this section:

"Disclosure date" means, for every calendar year, the first date by which a person has made disbursements during that same year of more than $2,000 in the aggregate for electioneering communications, and the date of any subsequent disbursements by that person for electioneering communications.

"Electioneering communication" means any advertisement that is broadcast from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper; or sent by mail at a bulk rate, and that:

(1) Refers to a clearly identifiable candidate;

(2) Is made, or scheduled to be made, either within thirty days prior to a primary or initial special election or within sixty days prior to a general or special election; and

(3) Is not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate.

"Electioneering communication" shall not include communications:

(1) In a news story or editorial disseminated by any broadcast station or publisher of periodicals or newspapers, unless the facilities are owned or controlled by any candidate, candidate committee, or noncandidate committee;

(2) That constitute expenditures by the disbursing organization;

(3) In house bulletins; or

(4) That constitute a candidate debate or forum, or solely promote a debate or forum and are made by or on behalf of the person sponsoring the debate or forum.

(d) For purposes of this section, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

§11-AA Fundraiser; notice of intent. (a) No fundraiser shall be held unless a notice of intent to hold the fundraiser is filed setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the fundraiser, and the method thereof.

(b) The person in charge of the fundraiser shall file the notice with the commission prior to the fundraiser.

(c) As used in this section, "fundraiser" means any function held for the benefit of a candidate, candidate committee, or noncandidate committee that is intended or designed, directly or indirectly, to raise contributions for which the price or suggested contribution for attending the function is more than $25 per person.

§11-BB Reporting deadline. When any reporting deadline falls on a Saturday, Sunday, or holiday designated in section 8-1, the reporting deadline shall be the next succeeding day that is not a Saturday, Sunday, or holiday.

§11-CC Sale or use of information. No information in the reports or copies of the reports filed with the commission shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

F. Contributions; Prohibitions; Limits

§11-DD Contributions, generally. (a) Monetary contributions and other campaign funds shall be promptly deposited in a depository institution, as defined by section 412:1-109, duly authorized to do business in the state, including a bank, savings bank, savings and loan association, depository financial services loan company, credit union, intra-Pacific bank, or similar financial institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the National Credit Union Administration in the name of the candidate, candidate committee, or noncandidate committee, whichever is applicable.

(b) A candidate, candidate committee, or noncandidate committee, shall not accept a contribution of more than $100 in cash from a single person without issuing a receipt to the contributor.

(c) Each candidate committee or noncandidate committee shall disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

§11-EE False name contributions prohibited. (a) No person shall make a contribution to any candidate or a candidate committee or noncandidate committee, in any name other than that of the person who owns the money, property, or service.

(b) All contributions made in the name of a person other than the owner of the money, property, or service shall escheat to the Hawaii election campaign fund.

§11-FF Anonymous contributions prohibited. (a) Except as provided in subsection (d), no person shall make an anonymous contribution to any candidate, candidate committee, or noncandidate committee.

(b) A candidate, candidate committee, or noncandidate committee shall not knowingly receive, accept, or retain an anonymous contribution, or report such contribution as an anonymous contribution, except as provided in this section.

(c) An anonymous contribution shall not be used or expended by the candidate, candidate committee, or noncandidate committee, but shall be returned to the contributor. If the contributor cannot be identified, the contribution shall escheat to the Hawaii election campaign fund.

(d) This section shall not apply to amounts that aggregate to less than $500 that are received from ten or more persons at the same political function. The receipt of these contributions shall be disclosed in a report filed pursuant to section 11-R and 11-T.

§11-GG Fundraising on state or county property prohibited. (a) Except as provided in subsection (b), no person shall solicit a contribution in a government facility that is used for the discharge of official duties by an officer or employee of the State or county.

(b) This prohibition shall not apply to any government facility that permits use by nongovernmental organizations for a fee or with reservations; provided the governmental facility's use rules do not prohibit political activities on the premises. Government facilities that permit use for political activities shall be available to a candidate, candidate committee, or noncandidate committee, for fundraising activities pursuant to the same terms and conditions that would otherwise apply to use by nongovernmental organizations.

(c) A person who violates the prohibition of fundraising on state or county property shall be guilty of a misdemeanor.

§11-HH Contributions by state and county contractors prohibited. (a) It shall be unlawful for any person who enters into any contract with the State, any of its counties, or any department or agency thereof either for the rendition of personal services, the buying of property, or furnishing of any material, supplies, or equipment to the State, any of its counties, department or agency thereof, or for selling any land or building to the State, any of its counties, or any department or agency thereof, if payment for the performance of the contract or payment for material, supplies, equipment, land, property, or building is to be made in whole or in part from funds appropriated by the legislative body, at any time between the execution of the contract through the completion of the contract, to:

(1) Directly or indirectly make any contribution, or promise expressly or impliedly to make any contribution to any candidate committee or noncandidate committee, or to any candidate or to any person for any political purpose or use; or

(2) Knowingly solicit any contribution from any person for any purpose during any period.

(b) Except as provided in subsection (a), this section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any noncandidate committee by any person other than the state or county contractor for the purpose of influencing the nomination for election, or the election of any person to office.

(c) For purposes of this section, "completion of the contract" means that the parties to the government contract have either terminated the contract prior to completion of performance or fully performed the duties and obligations under the contract, no disputes relating to the performance and payment remain under the contract, and all disputed claims have been adjudicated and are final.

§11-II Contributions by foreign national or foreign corporation prohibited. (a) Except as provided in subsection (b), no contributions or expenditures shall be made to or on behalf of a candidate, candidate committee, or noncandidate committee, by a foreign national or foreign corporation, including a domestic subsidiary of a foreign corporation, a domestic corporation that is owned by a foreign national, or a local subsidiary where administrative control is retained by the foreign corporation, and in the same manner prohibited under 2 United States Code section 441e and 11 Code of Federal Regulations 110.20, as amended.

(b) A foreign-owned domestic corporation may make contributions if:

(1) Foreign national individuals do not participate in election-related activities, including decisions concerning contributions or the administration of a candidate committee or noncandidate committee; and

(2) The contributions are domestically-derived.

§11-JJ Contributions to candidate committees; limits. (a) No person shall make contributions to:

(1) A candidate seeking nomination or election to a two-year office or to a candidate committee in an aggregate amount greater than $2,000 during an election period;

(2) A candidate seeking nomination or election to a four-year nonstatewide office or to a candidate committee in an aggregate amount greater than $4,000 during an election period; or

(3) A candidate seeking nomination or election to a four-year statewide office or to a candidate committee in an aggregate amount greater than $6,000 during an election period.

(b) For purposes of this section, the length of term of an office shall be the usual length of term of the office as unaffected by reapportionment, a special election to fill a vacancy, or any other factor causing the term of the office the candidate is seeking to be less than the usual length of term of that office.

§11-KK Contributions to noncandidate committees; limits. No person shall make contributions to a noncandidate committee in an aggregate amount greater than $1,000 in an election. This section shall not apply to ballot issue committees.

§11-LL Family contributions. (a) A contribution by a dependent minor shall be reported in the name of the minor but included in the aggregate contributions of the minor's parent or guardian.

(b) A contribution by the candidate's immediate family shall be exempt from section 11-JJ, but shall be limited in the aggregate to $50,000 in any election period; provided that the aggregate amount of loans and contributions received from the candidate's immediate family does not exceed $50,000 during an election period.

§11-MM Contributions to a party. (a) No person shall make contributions to a party in an aggregate amount greater than $25,000 in any two-year election period, except as provided in subsection (b).

(b) No political committee established and maintained by a national political party shall make contributions to a party in an aggregate amount greater than $50,000 in any two-year election period.

(c) If a person makes a contribution to a party that is earmarked for a candidate or candidates, the contribution shall be deemed to be a contribution from both the original contributor and the party distributing such funds to a candidate or candidates. The earmarked funds shall be promptly distributed by the party to the candidate.

(d) This section shall not prohibit a candidate from making contributions to the candidate's party if contributions are not earmarked for another candidate.

§11-NN Aggregation of contributions and expenditures. (a) All contributions and expenditures of a person whose contributions or expenditures are financed, maintained, or controlled by any corporation, labor organization, association, party, or any other person, including any parent, subsidiary, branch, division, department, or local unit of the corporation, labor organization, association, party, political committees established and maintained by a national political party, or by any group of those persons shall be considered to be made by a single person.

(b) A contribution by a partnership shall not exceed the limitations in this section and shall be attributed to the partnership and to each partner in direct proportion to the partner's share of the partnership profits, according to instructions that shall be provided by the partnership to the party, candidate, or committee receiving the contribution.

(c) A contribution by a limited liability company shall be treated as follows:

(1) A contribution by a limited liability company that is treated as a partnership by the Internal Revenue Service shall be considered a contribution from a partnership.

(2) A contribution by a limited liability company that is treated as a corporation by the Internal Revenue Service shall be considered a contribution from a corporation.

(3) A contribution by a limited liability company with a single individual member that is not treated as a corporation by the Internal Revenue Service shall be attributed only to that single individual member.

(4) A limited liability company that makes a contribution shall, at the time the limited liability company makes the contribution, provide information to the party, noncandidate committee, or candidate committee receiving the contribution specifying how the contribution is to be attributed.

(d) A person's contribution to a party that is earmarked for a candidate or candidates shall be included in the aggregate contributions of both the person and the party. The earmarked funds shall be promptly distributed by the party to the candidate.

(e) A contribution by a dependent minor shall be reported in the name of the minor but included in the aggregate contributions of the minor's parent or guardian.

§11-OO Contributions limited from nonresident persons. (a) Contributions from all persons who are not residents of the state at the time the contributions are made, shall not exceed thirty per cent of the total contributions received by a candidate or candidate committee for each election period.

(b) This section shall not be applicable to contributions from the candidate's immediate family.

§11-PP Coordination of contributions and expenditures. (a) Expenditures or disbursements for electioneering communications as defined in section 11-Z, or any other coordinated activity made by any person for the benefit of a candidate in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee, or their agents, shall be considered to be a contribution to the candidate and expenditure by the candidate.

The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, candidate committee, or agents shall be considered to be a contribution to the candidate.

This subsection shall not apply to candidates for governor or lieutenant governor supporting a co-candidate in the general election.

(b) "Coordinated activity" means:

(1) The payment by any person in cooperation, consultation, or concert with, at the request of, or pursuant to, any general or particular understanding with a candidate, candidate committee, the party of a candidate, or an agent of a candidate, candidate committee, or the party of a candidate;

(2) The payment by any person for the production, dissemination, distribution, or republication of any written, graphic, or other form of campaign material, in whole or in part, prepared by a candidate, candidate committee, or noncandidate committee, or an agent of a candidate, candidate committee, or noncandidate committee; or

(3) Any payment by any person or contract for any electioneering communication, as defined in section 11-Z, where the payment is coordinated with a candidate, candidate committee, the party of the candidate, or an agent of a candidate, candidate committee, or the party of the candidate.

(c) No expenditure for a candidate who files an affidavit with the commission agreeing to limit aggregate expenditures by the candidate, including coordinated activity by any person, shall be made or incurred by a candidate committee or noncandidate committee without authorization of the candidate or the candidate's authorized representative. Every expenditure so authorized and made or incurred shall be attributed to the candidate with whom the candidate committee or noncandidate committee is directly associated for the purpose of imposing the expenditure limitations set forth in section 11-OOO.

§11-QQ Excess contribution; return; escheat. (a) Any candidate, candidate committee, or noncandidate committee that receives in the aggregate more than the applicable contribution limit in sections 11-JJ, 11-KK, 11-LL, and 11-MM shall return any excess contribution to the contributor within thirty days of receipt of the excess contribution. Any excess contribution not returned to the contributor within thirty days shall escheat to the Hawaii election campaign fund.

(b) A candidate, candidate committee, or noncandidate committee who complies with this section prior to the initiation of administrative action shall not be subject to any fine under section 11-JJJ.

G. Loans

§11-RR Loan to candidate committee. (a) A candidate or candidate committee may receive a loan from any or all of the following:

(1) The candidate's own funds;

(2) A financial institution regulated by the State or a federally chartered depository institution and made in accordance with applicable law in the ordinary course of business;

(3) The candidate's immediate family in an aggregate amount not to exceed $50,000 during an election period; provided that the aggregate amount of loans and contributions received from the immediate family shall not exceed $50,000 during an election period; and

(4) Persons other than immediate family of the candidate in an aggregate amount not to exceed $10,000 during an election period; provided that:

(A) If the $10,000 limit for loans from persons other than the immediate family is reached, the candidate and candidate committee shall be prohibited from receiving or accepting any other loans until the $10,000 is repaid in full;

(B) If a loan from persons other than immediate family members is not repaid within one year of the date that the loan is made, the candidate and candidate committee shall be prohibited from accepting any other loans. All campaign funds, including contributions subsequently received, shall be used to repay the outstanding loan in full.

(b) For the purposes of this section, a "loan" does not include expenditures made on behalf of a candidate committee by a candidate, volunteer, or employee if:

(1) The candidate's, volunteer's, or employee's aggregate expenditures do not exceed $1,500 within a thirty-day period;

(2) A dated receipt and a written description of the name and address of each payee and the amount, date, and purpose of each expenditure is provided to the candidate committee before the candidate committee reimburses the candidate, volunteer, or employee; and

(3) The candidate committee reimburses the candidate, volunteer, or employee within forty-five days of the expenditures being made.

§11-SS Reporting loan; written loan agreement. (a) Every loan shall be reported as provided in section 11-R.

(b) Every loan in excess of $100 shall be documented as provided in section 11-R.

(c) A loan shall be treated as a contribution, subject to all relevant provisions of this part, if the loan is not reported or documented as provided in section 11-R.

§11-TT Noncandidate committee loan prohibited. A noncandidate committee shall not receive or make a loan.

H. Expenditures

§11-UU Campaign funds only used for certain purposes. (a) Campaign funds may be used by a candidate, treasurer, or candidate committee:

(1) For any purpose directly related:

(A) In the case of the candidate, to the candidate's own campaign; or

(B) In the case of a candidate committee or treasurer of a candidate committee, to the campaign of the candidate, question, or issue with which they are directly associated;

(2) To purchase or lease consumer goods, vehicles, equipment, and services that provide a mixed benefit to the candidate. The candidate, however, shall reimburse the committee for the candidate's personal use unless the personal use is de minimis;

(3) To make donations to any community service, educational, youth, recreational, charitable, scientific, or literary organization; provided that in any election period, the total amount of all contributions shall be no more than the maximum amount that one person may contribute to that candidate pursuant to section 11-JJ; provided further that no contributions shall be made from the date the candidate files nomination papers to the date of the general election;

(4) To purchase not more than two tickets for each event held by another candidate or committee, whether or not the event constitutes a fundraiser as defined in section 11-AA;

(5) To make contributions to the candidate's party so long as the contributions are not earmarked for another candidate; or

(6) To pay for ordinary and necessary expenses incurred in connection with the candidate's duties as a holder of an office.

(b) Campaign funds may be used for the candidate's next subsequent election upon registration for the election pursuant to section 11-K.

§11-VV Prohibited uses of campaign funds. Campaign funds shall not be used:

(1) To support the campaigns of candidates other than the candidate with which they are directly associated;

(2) To campaign against any other candidate not directly opposing the candidate with which they are directly associated; or

(3) For personal expenses.

§11-WW Exceptions. Notwithstanding sections 11-UU and 11-VV:

(1) A party may support more than one candidate; and

(2) A candidate for the office of governor or lieutenant governor may support a co-candidate in the general election.

§11-XX Disposition of campaign funds; termination of registration. (a) The candidate committee and candidate who receives contributions for an election but fails to file nomination papers for that election shall return residual funds to the contributors no later than ninety days after the date on which nominations for that election shall be filed. Funds not returned to contributors shall escheat to the Hawaii election campaign fund.

(b) The candidate committee and candidate who withdraws or ceases to be a candidate for the election because of death, disqualification, or other reasons shall return residual funds to the contributors no later than ninety days after the candidate ceases to be a candidate. Funds not returned to contributors shall escheat to the Hawaii election campaign fund.

(c) A candidate who is elected to office, including a candidate subject to term limits and a candidate who resigned before the end of the term of office and the candidate committee of such a candidate, may use campaign funds as provided in section 11-UU or return campaign funds to contributors until four years from the date of the election for which the campaign funds were received. Campaign funds that are not used or returned to contributors shall escheat to the Hawaii election campaign fund.

(d) A candidate who lost in an election and the candidate committee of such a candidate may use campaign funds as provided in section 11-UU or return funds to contributors until one year from the date of the election for which the campaign funds were received. Funds that are not used or returned to contributors shall escheat to the Hawaii election campaign fund.

(e) A candidate committee that disposes of campaign funds pursuant to this section shall terminate registration with the commission as provided in section 11-P.

(f) Notwithstanding any of the foregoing, campaign funds may be used for the candidate's next subsequent election as provided in section 11-UU upon registration for the election pursuant to section 11-K.

(g) The commission shall adopt rules pursuant to chapter 91 to carry out the purposes of this section.

I. Advertisements

§11-YY Advertisements. (a) Any advertisement shall contain:

(1) The name and address of the candidate, candidate committee, noncandidate committee, or other person paying for the advertisement; and

(2) A notice in a prominent location stating either that:

(A) The advertisement is published, broadcast, televised, or circulated with the approval and authority of the candidate; provided that an advertisement paid for by a candidate, candidate committee, or ballot issue committee does not need to include the notice; or

(B) The advertisement is published, broadcast, televised, or circulated without the approval and authority of the candidate.

(b) The fine for violation of this section, if assessed by the commission, shall not exceed $25 for each advertisement that lacks the information required by this section, and shall not exceed an aggregate amount of $5,000.

§11-ZZ House bulletins. The costs of preparing, printing, and circulating house bulletins and the writings, drawings, and photographs contained therein, except for paid advertisements, shall be exempt from the provisions of this part.

J. Enforcement

§11-AAA Subpoena powers. (a) The commission may subpoena witnesses, examine them under oath, and require the production of books, papers, documents, or objects to the commission office or at any place in the state whether or not the subpoena is in connection with any hearing; provided that the person or documents subpoenaed shall be relevant to a matter under study or investigation by the commission.

(b) The books, papers, documents, or objects may be retained by the commission for a reasonable period of time for examination, audit, copying, testing, and photographing.

(c) The subpoena power shall be exercised by the chairperson of the commission, or the chairperson's designee.

(d) Upon application of the commission, obedience to the subpoena shall be enforced by the circuit court in the county in which the person subpoenaed resides or is found, in the same manner as a subpoena issued by a circuit court.

§11-BBB Filing of complaint. (a) A person alleging violations of this part shall file a complaint with the commission.

(b) A complaint initiated by the commission shall be in writing and signed by the executive director.

(c) A complaint by a person other than the executive director shall be in writing, signed by the person filing the complaint, and notarized.

§11-CCC Notice of complaint; opportunity to explain or respond to complaint. (a) The commission shall give notice of receipt of the complaint and a copy of the complaint to the respondent.

(b) The respondent may explain or otherwise respond in writing to the complaint and explain or otherwise respond to the complaint at a meeting promptly noticed by the commission and conducted under chapter 92.

§11-DDD Initial determination by the commission. The commission shall promptly determine, without regard to chapter 91, to:

(1) Summarily dismiss the complaint;

(2) Investigate further;

(3) Make a preliminary determination; or

(4) Refer the complaint to an appropriate prosecuting attorney for prosecution under section 11-KKK.

§11-EEE Preliminary determination regarding probable cause. (a) Upon hearing the response, if the respondent explains or otherwise responds to the complaint, and upon completion of any investigation, the commission may make a prompt preliminary determination as to whether probable cause exists that a violation of this part has been committed. The preliminary determination with findings of fact and conclusions of law shall be served upon the respondent by certified mail.

(b) The respondent shall be afforded an opportunity to contest the commission's preliminary determination of probable cause by making a request for a contested case hearing under chapter 91 within twenty days of receipt of the preliminary determination. Failure to request a contested case hearing shall render the commission's preliminary determination final.

§11-FFF Waiver of further proceedings. The commission may waive further proceedings due to action the respondent takes to remedy or correct the alleged violation, including the payment of any administrative fine.

The commission shall make the remedial or corrective action taken by the respondent, the commission's decision in light of the action to waive further proceedings, and the commission's justification for its decision, a part of the public record.

§11-GGG Contested case hearing. (a) A contested case hearing shall be conducted pursuant to chapter 91 and any rules adopted by the commission, except as provided in this section.

(b) If a hearing is held before the commission or a hearings officer, the commission or hearings officer shall not be bound by strict rules of evidence when conducting a hearing to determine whether a violation of this part has occurred, and the degree or quantum of proof required shall be a preponderance of the evidence.

(c) The commission or hearings officer, if there is no dispute as to the facts involved in a particular matter, may permit the parties to proceed by memoranda of law in lieu of a hearing unless the procedure would unduly burden any party or is otherwise not conducive to the ends of justice.

(d) A record shall be made of the proceeding.

(e) All parties shall be afforded full opportunity to present evidence and argument on all issues involved.

(f) Any person who appears before the commission shall have all of the rights, privileges, and responsibilities of a witness appearing before the courts of this State. All witnesses summoned before the commission or hearings officer shall receive reimbursements as paid in like circumstances in the courts of this State. Any person whose name is mentioned during a proceeding before the commission and who may be adversely affected thereby, may appear or file a written statement for incorporation into the record of the proceeding.

(g) If a hearing is held before a hearings officer, the hearings officer shall render a recommended decision for the commission's consideration. Any party adversely affected by the recommended decision may file written exceptions with the commission within fifteen days after receipt of a copy of the decision by certified mail.

(h) The commission, as expeditiously as possible after the close of the commission's hearing, shall issue its final determination of violation together with separate findings of fact and conclusions of law regarding whether a violation of this part has been committed.

§11-HHH Dismissal. The complaint shall be dismissed if the commission makes a final determination that there is no violation of this part.

§11-III Final determination of violation; order. If the commission makes a final determination of a violation of this part, its written decision with findings of fact and conclusions of law may order any of the following:

(1) The return of any contribution;

(2) The reimbursement of any unauthorized expenditure;

(3) The payment of any administrative fine to the general fund of the State;

(4) The respondent to cease and desist violations of this part; or

(5) Any report, statement, or other information required by this part to be filed.

§11-JJJ Administrative fines; relief. (a) The commission may make a decision or issue an order affecting any person violating any provision of this part or section 281-22 that may provide for the assessment of an administrative fine as follows:

(1) If an individual, an amount not to exceed $1,000 for each occurrence or an amount equivalent to three times the amount of an unlawful contribution or expenditure; or

(2) If a corporation, organization, association, or labor union, an amount not to exceed $1,000 for each occurrence;

provided that whenever a corporation, organization, association, or labor union violates this part, the violation may be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labor union, who have knowingly authorized, ordered, or done any of the acts constituting the violation.

(b) Any order for the assessment of an administrative fine shall not be issued against a person without providing the person written notice and an opportunity to be heard at a hearing conducted under chapter 91. A person may waive these rights by written stipulation or consent.

(c) If an administrative fine is imposed upon a candidate, the commission may order that the fine, or any portion, be paid from the candidate's personal funds.

(d) If the person to whom the commission's order is directed does not comply with the order, the first circuit court, upon application of the commission, shall issue an order requiring the person to comply with the commission's order. Failure to obey such a court order shall be punished as contempt.

(e) Any administrative fine collected by the commission shall be deposited in the general fund of the State.

(f) Any person or the commission may sue for injunctive relief to compel compliance with this part.

(g) The provisions of this section shall not prohibit prosecution under any appropriate provision of the Hawaii Penal Code or section 11-LLL.

(h) The provisions of this section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by section 11-Y and 11-YY(b).

§11-KKK Criminal referral. In lieu of an administrative determination that a violation of this part has been committed, the commission may refer the complaint to the attorney general or county prosecutor at any time it believes the respondent may have recklessly, knowingly, or intentionally committed a violation.

§11-LLL Criminal prosecution. (a) Any person who recklessly, knowingly, or intentionally violates any provision of this part shall be guilty of a misdemeanor.

(b) Any person who knowingly or intentionally falsifies any report required by this part with the intent to circumvent the law or deceive the commission or who violates section 11-EE or 11-FF shall be guilty of a class C felony. A person charged with a class C felony shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea under chapter 853.

(c) A person who is convicted under this section shall be disqualified from holding elective public office for a period of four years from the date of conviction.

(d) For purposes of prosecution for violation of this part, the offices of the attorney general and the prosecuting attorney of the respective counties shall be deemed to have concurrent jurisdiction to be exercised as follows:

(1) Prosecution shall commence with a written request from the commission or upon the issuance of an order of the court; provided that prosecution may commence prior to any proceeding initiated by the commission or final determination;

(2) In the case of state offices, parties, or issues, the attorney general or the prosecuting attorney for the city and county of Honolulu shall prosecute any violation; and

(3) In the case of all other offices, parties, or issues, the attorney general or the prosecuting attorney for the respective county shall prosecute any violation.

In the commission's choice of prosecuting agency, it shall be guided by whether any conflicting interest exists between the agency and its appointive authority.

(e) The court shall give priority to the expeditious processing of prosecutions under this section.

(f) Prosecution for violations of this part shall not commence after five years have elapsed from the date of the violation or date of filing of the report covering the period in which the violation occurred, whichever is later.

(g) This section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the fines prescribed by sections 11-Y and 11-YY(b).

K. Partial Public Financing

§11-MMM Hawaii election campaign fund; creation. (a) The Hawaii election campaign fund is created as a trust fund within the state treasury.

(b) The fund shall consist of:

(1) All moneys collected from persons who have designated a portion of their income tax liability to the fund as provided in section 235-102.5(a);

(2) Any general fund appropriations; and

(3) Other moneys collected pursuant to this part.

(c) Moneys in this fund shall be paid to candidates by the comptroller as prescribed in section 11-WWW and may be used for the commission's operating expenses, including staff salaries and fringe benefits.

§11-NNN Depletion of fund. (a) The commission shall be under no obligation to provide moneys to candidates if, in the partial public funding program or comprehensive public funding for elections to the county of Hawaii council, moneys in that fund are near depletion.

(b) For purpose of the partial funding program, if the Hawaii election campaign fund is close to depletion as determined by the commission, the commission shall determine the amounts available to eligible candidates based on their order of eligibility in qualifying for partial public funds, as determined by the date of filing of an application for public funds with the commission pursuant to section 11-VVV; provided that the application has been accepted by the commission.

(c) For purpose of the comprehensive public funding for elections to the county councils, if the Hawaii elections campaign fund is close to depletion, the commission shall determine whether the program shall be operative in accordance with this part.

§11-OOO Voluntary expenditure limits; filing affidavit. (a) Any candidate may voluntarily agree to limit the candidate's expenditures by filing an affidavit with the commission.

(b) The affidavit shall state that the candidate knows the voluntary campaign expenditure limitations as set out in this part and that the candidate is voluntarily agreeing to limit the candidate's expenditures and those made on the candidate's behalf by the amount set by this section. The affidavit shall be subscribed to by the candidate and notarized and filed no later than the time of filing nomination papers with the chief elections officer or county clerk.

(c) The affidavit shall remain effective until the termination of the candidate committee or the opening of filing of nomination papers for the next succeeding election, whichever occurs first. An affidavit filed under this section may not be rescinded.

(d) From January 1 of the year of any primary, or general election, the aggregate expenditures for each election by a candidate who voluntarily agrees to limit campaign expenditures, inclusive of all expenditures made or authorized by the candidate alone, all treasurers, the candidate committee, and noncandidate committees on the candidate's behalf, shall not exceed the following amounts expressed, respectively multiplied by the number of voters in the last preceding general election registered to vote in each respective voting district:

(1) For the office of governor--$2.50;

(2) For the office of lieutenant governor--$1.40;

(3) For the office of mayor--$2.00;

(4) For the offices of state senator, state representative, and county council member--$1.40; and

(5) For the board of education and all other offices--20 cents.

§11-PPP Tax deduction for qualifying contributions. (a) An individual resident of Hawaii may claim a state income tax deduction pursuant to section 235-7(g)(2), for contributions to a candidate who files an affidavit pursuant to section 11-OOO and does not exceed the expenditure limit. Cancelled checks or copies of the same shall be considered adequate receipt forms to attach to the tax form to claim the credit.

(b) The commission shall forward a certified copy of the affidavit to the director of taxation upon request.

(c) If a candidate has not filed the affidavit pursuant to section 11-OOO, the candidate shall inform all contributors in writing immediately upon receipt of the contribution that they are not entitled to a tax deduction for their contributions to the candidate. The director of taxation shall not allow any contributor to take a deduction, pursuant to section 235-7(g)(2), for any contribution to a candidate for a statewide or county office who has not filed the affidavit pursuant to section 11-OOO.

§11-QQQ Maximum amount of public funds available to candidate. (a) The maximum amount of public funds available in each election to a candidate for the office of governor, lieutenant governor, or mayor shall not exceed ten per cent of the expenditure limit established in section 11-OOO(d) for each election.

(b) The maximum amount of public funds available in each election to a candidate for the office of state senator, state representative, county council member, and prosecuting attorney shall not exceed fifteen per cent of the expenditure limit established in section 11-OOO(d) for each election.

(c) For the office of Hawaiian affairs, the maximum amount of public funds available to a candidate shall not exceed $1,500 in any election year.

(d) For the board of education and all other offices, the maximum amount of public funds available to a candidate shall not exceed $100 in any election year.

(e) Each candidate who qualified for the maximum amount of public funding in any primary election and who is a candidate for a subsequent general election shall apply with the commission to be qualified to receive the maximum amount of public funds as provided in this section for the respective general election. For purposes of this section, "qualified" means meeting the qualifying campaign contribution requirements of section 11-TTT.

§11-RRR Candidate exceeds voluntary expenditure limit. A candidate who files the affidavit agreeing to limit expenditures and who exceeds the expenditure limit for that election shall:

(1) Notify all opponents, the chief election officer, and the commission by telephone and writing on the day the expenditure limit is exceeded;

(2) Pay the balance of the full filing fee; and

(3) Provide reasonable notice to all contributors within thirty days of exceeding the limit that the expenditure limit was exceeded and contributions to the candidate no longer qualify for a state income tax deduction.

§11-SSS Reserving use of contributions. A candidate who files the affidavit voluntarily agreeing to limit expenditures and who receives contributions that in aggregate exceed the expenditure limit for an election shall reserve use of any contributions that exceed the limit until after the applicable election.

§11-TTT Eligibility requirements for public funds. In order to be eligible to receive public funds for an election, a candidate shall certify that the candidate will meet all the following requirements:

(1) The candidate and the candidate committee authorized by the candidate shall not incur expenditures in excess of the expenditure limitations imposed by section 11-OOO;

(2) The candidate is qualified to be on the election ballot in a primary or general election;

(3) The candidate is opposed by at least one other candidate for the same office in the same election;

(4) The candidate has filed a statement of intent to seek public funds. A contribution received before the filing of a statement of intent to seek public funds shall not be considered a qualifying contribution;

(5) The candidate or committee authorized by the candidate has received the minimum amount of qualifying contributions for the office sought by the candidate as set forth in section 11-UUU;

(6) The aggregate of contributions certified with respect to any person under paragraph (4) does not exceed $100 in each matching payment period;

(7) The candidate agrees to obtain and furnish any evidence relating to expenditures that the commission may request;

(8) The candidate agrees to keep and furnish records, books, and other information that the commission may request; and

(9) The candidate agrees to an audit and examination by the commission pursuant to section 11-ZZZ and to pay any amounts required to be paid pursuant to that section.

§11-UUU Minimum qualifying contribution amounts; qualifying contribution statement. (a) As a condition of receiving public funds for a primary or general election, a candidate shall not be unopposed in any election for which public funds are sought, shall have filed an affidavit with the commission pursuant to section 11-OOO to voluntarily limit the candidate's campaign expenditures, and shall be in receipt of the following sum of qualifying contributions from individual residents of Hawaii:

(1) For the office of governor--qualifying contributions that in the aggregate, exceed $100,000;

(2) For the office of lieutenant governor--qualifying contributions that in the aggregate, exceed $50,000;

(3) For the office of mayor for each respective county:

(A) County of Honolulu--qualifying contributions that in the aggregate, exceed $50,000;

(B) County of Hawaii--qualifying contributions that in the aggregate, exceed $15,000;

(C) County of Maui--qualifying contributions that in the aggregate, exceed $10,000;

(D) County of Kauai--qualifying contributions that in the aggregate, exceed $5,000; and

(4) For the office of prosecuting attorney for each respective county:

(A) County of Honolulu--qualifying contributions that in the aggregate, exceed $30,000;

(B) County of Hawaii--qualifying contributions that in the aggregate, exceed $10,000; and

(C) County of Kauai--qualifying contributions that in the aggregate, exceed $5,000;

(5) For the office of county council--for each respective county:

(A) County of Honolulu--qualifying contributions that in the aggregate, exceed $5,000;

(B) County of Hawaii--qualifying contributions that in the aggregate, exceed $1,500;

(C) County of Maui--qualifying contributions that in the aggregate, exceed $5,000; and

(D) County of Kauai--qualifying contributions that in the aggregate, exceed $3,000;

(6) For the office of state senator--qualifying contributions that, in the aggregate, exceed $2,500;

(7) For the office of state representative--qualifying contributions that, in the aggregate, exceed $1,500;

(8) For the office of Hawaiian affairs--qualifying contributions that, in the aggregate, exceed $1,500; and

(9) For the board of education and all other offices, qualifying contributions that, in the aggregate, exceed $500.

(b) A candidate shall obtain the minimum qualifying contribution amount set forth in subsection (a), once for the election period.

(1) If the candidate, other than a candidate for the office of Hawaiian affairs or the board of education, obtains the minimum qualifying contribution amount, the candidate is eligible to receive:

(A) The minimum payment in an amount equal to the minimum qualifying contribution amounts; and

(B) Payments of $1 for each $1 of qualifying contributions in excess of the minimum qualifying contribution amounts.

(2) A candidate for the office of Hawaiian affairs shall obtain the minimum qualifying contribution amount set forth in subsection (a), once for the election period. If the candidate obtains the minimum qualifying amount, the candidate is eligible to receive $1,500.

(3) A candidate for the board of education shall obtain the minimum qualifying contribution amount set forth in subsection (a), once for the election period. If the candidate obtains the minimum qualifying amount, the candidate is eligible to receive $50.

(c) The candidate shall not receive more than the maximum amount of public funds available to a candidate pursuant to section 11-QQQ; provided that the candidate shall not receive public funds for a primary election if the candidate does not obtain the minimum qualifying contribution amounts before the date of the primary election.

(d) The statement of qualifying contributions shall include:

(1) The printed names and addresses of the individual residents of Hawaii who made the qualifying contribution during the matching payment period, and

(2) The amount and date of deposit of each qualifying contribution.

(e) As used in this section, "matching payment period" means:

(1) For a primary, first special, or first nonpartisan election, from January 1 of the year of the election through the day of the primary, first special, or first nonpartisan primary election; and

(2) For a general, second special, or second nonpartisan election, from January 1 of the year of a general election through the day of the general, second special, or second nonpartisan election.

§11-VVV Application for public funds. (a) Each application for public funds shall be signed by the candidate and notarized, and accompanied by the statement of qualifying campaign contributions.

(b) The application shall be mailed or delivered to the commission, and shall not be valid unless received by the commission no later than thirty days after the general election.

(c) Each candidate in receipt of the minimum qualifying sum of contributions established for the office that the candidate seeks may apply to the commission for public funding after the candidate has become a candidate in a primary or general election.

(d) A candidate who receives funds for a primary, first special, or first nonpartisan primary election and is a candidate in the subsequent general, second special, or second nonpartisan election is required to mail or deliver another application to the commission to receive public funds for the subsequent election.

§11-WWW Payment to candidate. (a) Upon the commission's approval of the application and statement of qualifying contributions, the commission shall direct the comptroller to distribute matching public funds up to the maximum amount of public funds allowed by section 11-QQQ. Public funds shall be distributed to the candidate within twenty days from the date that the candidate's initial application and qualifying contribution statement is approved by the commission.

(b) The commission shall make additional determinations within fourteen days after receiving a complete application and supplemental statement of qualifying contributions from a candidate.

(c) All determinations made by the commission under this section are final and conclusive, except to the extent they are subject to examination and audit by the commission under section 11-ZZZ.

§11-XXX Use of public funds. (a) Public funds shall be deposited in a depository institution, as defined in section 412:1-109, duly authorized to do business in the state, such as a bank, savings bank, savings and loan association, depository financial services loan company, credit union, intra-Pacific bank, or similar financial institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the National Credit Union Administration.

(b) No expenditures of any public funds shall be made except by checks drawn on such checking account.

(c) Public funds shall be only used to:

(1) Defray expenditures of the candidate; and

(2) Repay loans, the proceeds of which were used to defray expenditures.

(d) Public funds shall not be transferred to another candidate for any election.

(e) Unexpended public funds shall be returned to the commission by the deadline for filing the final election period report for the election for which the funds were received.

§11-YYY Post-election report required. The treasurer shall electronically submit an expenditure of public funds report to the commission no later than twenty days after a primary election and no later than thirty days after a general election certifying that all public funds paid to the candidate have been used as required by this part.

§11-ZZZ Post-election examination and audit; return of funds. (a) The commission shall examine and audit the public funds received by all candidates, qualifying contributions, and the expenditures made by all candidates within sixty days after each general election.

(b) The commission shall adopt rules, pursuant to chapter 91, regarding expenditures which qualify under section 11-XXX.

(c) If the commission determines that any payment of public funds to a candidate exceeded the aggregate amount to which the candidate was entitled, the commission shall notify the candidate within two years of the payment of the public funds and the candidate shall repay the excess amount to the Hawaii election campaign fund.

(d) If the commission determines that any public funds were used for any improper purpose, the commission shall notify the candidate, and the candidate shall pay to the Hawaii election campaign fund an amount equal to three hundred per cent of such amount in addition to any fines under section 11-JJJ and section 11-LLL.

§11-AAAA Report and recommendation. In January of each year, the commission shall submit to the legislature:

(1) Proposed legislation for reasonable expenditure and contribution limits, along with relevant justification for the legislation;

(2) A report concerning the status of the Hawaii election campaign fund; and

(3) A request for an appropriation if the total amounts of revenues comprising the fund are insufficient to provide public funds for the partial public funding program and comprehensive public funding program for elections to the county of Hawaii council."

PART III

SECTION 3. Chapter 11, part XII, subpart B, Hawaii Revised Statutes, is repealed.

PART IV

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. In codifying the new sections added by part II of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 7. This Act shall be amended to conform to all other acts passed by the legislature during this regular session of 2010 whether enacted before or after the effective date of this Act, unless the other acts specifically provide otherwise.

SECTION 8. This Act shall take effect upon approval and apply to reporting periods beginning after November 2, 2010.""

Representative Marumoto moved that Floor Amendment No. 2 be adopted, seconded by Representative Ward.

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, this is a lengthy floor amendment, but a simple one to understand. The proposed House Draft 3 reverts back to the original version of the bill. No cute stuff. No grand policy changes or nefarious ones. No tinkering around. No games. No return of 'pay to play' in any form. It's the original version of House Bill 2003, the straight recodification of our campaign spending laws.

"As for why this amendment, a couple of points. First, I quote from the Campaign Spending Commission's testimony on this bill:

> Our final point is that a recodification of the campaign finance law is long overdue. The current campaign finance laws have their genesis in Act 185, Session Laws 1973. Over the past 36 years, numerous amendments have been made to the laws in a piecemeal fashion and, apparently, with little regard to the laws as a whole. The result is laws that are unorganized, difficult to read, and inconsistent in some areas. The current law is in Part XII, subpart B of HRS chapter 11.
>
> This bill organizes the campaign finance laws into a new part of HRS chapter 11, with ten subparts. Long and involved sections are divided into shorter sections with clear titles for quick reference. All the laws on one subject are grouped together, in contrast to the current laws that require a reader to search through the whole subpart for laws that may apply to that subject.

This bill is a product of the work of the Campaign Spending Commission's Blue Ribbon Recodification Committee. The Committee completed its work in 2008 after meeting regularly for nine months. The Committee was comprised of the Commission's staff and seventeen volunteer attorneys experienced in campaign finance law who represent diverse interests.

"In other words, we are here today trying to make the laws more user friendly, better organized. The reason in and of itself is enough reason to pass this amendment. But there is a second point as to why this amendment is necessary. The recodification should have been passed by this Body and signed into law last year. Instead, certain legislators decided to hijack a very technical bill for otherwise unknown purposes. Why would anybody want to return to a system of 'pay to play?' We're going back on the reforms we made for political action committees. Why? And so forth? I don't know but the possible answers aren't very flattering.

"If some wish to make substantive changes, then do it in another bill. Don't take the easy route and mix the two, burying two sentence changes in a hundred page bill. Keep the recodification just that, a recodification.

"And I would urge my colleagues to support the amendment. However, I see a Majority amendment on the desk. It is before us now. It is very similar in content. So at this time, I will take my amendment off the table and throw my support to the Majority measure."

At this time, Representative Marumoto moved to withdraw Floor Amendment No. 2, seconded by Representative Ward and carried.

At this time, Representative C. Lee offered Floor Amendment No. 4, amending H.B. No. 2003, HD 2, as follows:

"SECTION 1. H.B. No. 2003, H.D. 2, RELATING TO CAMPAIGN FINANCING, is amended as follows:

1. By amending subsections (a) and (b) of section 11-II in section 2 to read as follows:

"(a) It shall be unlawful for any person who enters into any contract with the State, any of its counties, or any department or agency thereof either for the rendition of personal services, the buying of property, or furnishing of any material, supplies, or equipment to the State, any of its counties, department or agency thereof, or for selling any land or building to the State, any of its counties, or any department or agency thereof, if payment for the performance of the contract or payment for material, supplies, equipment, land, property, or building is to be made in whole or in part from funds appropriated by the legislative body, at any time between the execution of the contract through the completion of the contract, to:

(1) Directly or indirectly make any contribution, or promise expressly or impliedly to make any contribution to any candidate committee or noncandidate committee, or to any candidate or to any person for any political purpose or use; or

(2) Knowingly solicit any contribution from any person for any purpose during any period.

(b) Except as provided in subsection (a), this section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any noncandidate committee by any person other than the state or county contractor for the purpose of influencing the nomination for election, or the election of any person to office."

2. By amending subsection (c) of section 11-KK in section 2 to read as follows:

"(c) No person shall make contributions to a noncandidate committee in an aggregate amount greater than $1,000 in an election. This subsection shall not apply to ballot issue committees."

3. By amending section 11-UU(a)(4) of section 2 to read as follows:

"(4) To make donations to any public school or library; provided that in any election period, the total amount of all donations shall be no more than twice the maximum amount that one person may contribute to that candidate pursuant to section 11-KK and no donations shall be made from the date the candidate files nomination papers to the date of the general election; provided further that any donation under this paragraph shall not be aggregated with or imputed toward any limitation on donations pursuant to paragraph (3);"

SECTION 2. H.B. No. 2003, H.D. 2, RELATING TO CAMPAIGN FINANCING, is amended by amending section 12 as follows:

"SECTION 12. This Act shall take effect on November 3, 2010, and shall apply to reporting periods beginning after November 2, 2010.""

Representative C. Lee moved that Floor Amendment No. 4 be adopted, seconded by Representative Bertram.

At this time, Representative Souki moved to table the motion for adoption of Floor Amendment No. 4.

At 3:05 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:07 o'clock p.m.

At this time, the Chair stated:

"At this point, there is no second to the motion to table, so the Chair will recognize Representative Chris Lee, the offeror, for discussion."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, we cannot allow even the appearance of impropriety in our decision-making, and we cannot allow companies with state contracts to make political contributions without crossing this line.

"The intent of amending and passing this measure is to finally recodify Hawaii's outdated campaign spending laws, by passing the precise recommendations of the Campaign Spending Commission."

At this time, Representative Finnegan requested a roll call vote at the appropriate time.

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

"Mr. Speaker, are we debating the floor amendment or discussing the floor amendment? Not the tabling or anything of the likes?

"I rise in support of the amendment. You know it's six of one, and half a dozen of another. I like the one that the Representative from Kaimuki-Kahala proposed, and the other one that just followed from Waimanalo. I'm in between those two so obviously I like my company on both sides of my district.

"The great thing about what we're doing is we're separating the wheat from the chaff, or the Administrative Rules from the campaign policy. Campaign spending, Mr. Speaker, is a real long set of policies and there's a lot of moving parts in the Administration. This one makes it clear, which is the way it should have been. And I think if someone said it was hijacked, this kind of un-hijacks it. Freezes it so you don't get the pure version of campaign finance spending, and that which is then a really policy oriented thing. So I think this is the right way to proceed. Hopefully it will be for future precedence also. Thank you."

The request of roll call was put to vote by the Chair and upon a show of hands, the request was approved.

Roll call having been approved, the motion that Floor Amendment No. 4, amending H.B. No. 2003, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," be adopted, was put to vote by the Chair and carried on the following show of Ayes:

Ayes, 51: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Finnegan, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Thielen, Tokioka, Tsuji, Wakai, Ward, Wooley, Yamane and Yamashita.

At 3:12 o'clock p.m., the Chair noted that Floor Amendment No. 4 was adopted.

At 3:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:12 o'clock p.m.

At this time, the Chair stated:

"Members of the House, thank you very much for your patience and diligence. May we turn back to page 18. So we have taken two items out of order, which were on page 24. Those were Floor Amendment No. 2 and Floor Amendment No. 4. Are we all on page 18?"

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 604-10) recommending that H.B. No. 2157, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2157, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of Stand. Com. Report 604. Thank you, Mr. Speaker. The measure before us increases the capacity from two to three for nursing facility level residents, in a Type I Expanded Adult Residential Care Home.

"Mr. Speaker, it's estimated that by year 2020, one in four residents in the State of Hawaii will be age 60 or over. It illustrates a need for such expanded care for our elderly. Two important principles for this measure, Mr. Speaker. It reflects traditional principles that define Hawaii, that we care for our elderly.

"And second, there is an urgency to pass this measure because there is a shortage of skilled nursing level beds in our State. Thus allowing Type I Expanded Adult Residential Care Homes to increase their capacity from two to three nursing level residents will help to reduce the financial burden of our State and save literally millions of dollars by having residents reside in an affordable, expanded care home.

"The savings will be recognized as this will provide a viable healthcare option compared to the high cost of the State placing our elderly in institutional care. Healthcare costs are already at a premium level for our general population. Just visualize the cost for a second, of healthcare for our elderly. A simple snapshot confirms elderly cost.

"For example, in Hawaii, on average, emergency room hospitalization, rehabilitation and long-term care costs directly related to senior falls total $92 million per year. This equals $252,000 per day. This is one segment of senior care. Expanded care homes will reduce the cost substantially.

"It's also more cost efficient, especially during these times of our economic crisis. Residents in Type I Expanded Care Homes will pay approximately $2,500 to $3,500 per month. If our senior were to stay in a private nursing institution, they would expect to pay between $8,000 to $10,000 per month.

"Type I care homes are regulated by the State Department of Health and the Office of Health Care Assurance, the same agency that regulates nursing homes. Also each nursing resident is followed by a licensed healthcare or case manager to provide oversight and ensure delivery of care.

"Mr. Speaker, just one last point. Type I care homes provide direct supervision and contact with residents. If you want to look at the ratio for our Type I expanded care that's for five residents in a home, it's generally one to five, possibly two, three, even five to five based on our clients. What I'm saying is if you have one patient that may not be able to walk it has to be a one to one ratio. One caregiver to that one patient. If two of your clients can't walk, it's then two to two. That's how it breaks down.

"This is in stark contrast to a private nursing home where the reduced level of care can be as high one caregiver to 20 patients. It obviously depends on what shift it is. If you're talking about the 11 p.m. to 7 a.m. shift, it can go down to that bad. One to 20, that's the ratio. So for those reasons, I support this measure and I hope other Members will also support this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Choy voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 605-10) recommending that H.B. No. 744, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 744, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, I rise to speak in favor of this measure and I'm very happy to see it before us. As a member of the Kupuna Caucus I'm happy to see that this program, which is modeled after the Amber Alert program to find missing children expeditiously, is passing. This measure contains the Silver Alert, which would find seniors as soon as possible. I thank you for finally realizing the wisdom of this Republican bill that we introduced last year, and I think you're finally getting it. Thank you."

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

"Also in support and I just wanted to thank all those that were involved. The Alzheimer's Association of Hawaii, the Policy Advisory Board for Elder Affairs, the Health Care Association of Hawaii, the social workers and the individuals who took time out of their busy schedules to support this Silver Alert program, as well as the Chairs that agreed to hear the bill. Aloha."

Representative Mizuno rose in support of the measure and asked that the remarks of Representatives Marumoto and Ching be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 744, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 607-10) recommending that H.B. No. 1991, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1991, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, in opposition to SCR 607. Yes, Mr. Speaker, what this bill does is it increases the fee for a traffic abstract. The original bill basically increased the fees to about 43% or so over the current price. It's currently left blank and that's why I kind of want make some comments at this time.

"Again, many people are suffering in the State of Hawaii. This particular legislation is not for anything in particular, but to instead go to the general fund. There is going to be about 500,000 abstracts pulled by the people of Hawaii, and so many people will be affected by this increase. Many states have had lowered the costs per abstract fee. Some states have only a two dollar charge on abstract fee and they've had that charge for many, many, many years. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1991, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Brower, Ching, Finnegan, Marumoto, Pine and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 608-10) recommending that H.B. No. 2508, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2508, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I wanted to rise on a potential conflict. The law firm that I work for has claimants listed in this Claims Against the State," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I'd also like to rise to disclose a potential conflict. My law firm has claimants in this bill as well," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2508, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.," passed Third Reading by a vote of 51 ayes.

At 3:22 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2085, HD 1
H.B. No. 2688, HD 1
H.B. No. 2801, HD 2
H.B. No. 2157, HD 1
H.B. No. 744, HD 2
H.B. No. 1991, HD 2
H.B. No. 2508, HD 2

At 3:22 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:23 o'clock p.m., with Vice Speaker Magaoay presiding.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 609-10) recommending that H.B. No. 1904, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1904, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to Standing Committee Report No. 609, HB 1904. Thank you, Mr. Speaker. The purpose of this bill is to require an amount equivalent to the unfunded accrued liability contribution by the State for State employees to be set aside from general excise tax revenues and deposited into a separate account in the general fund.

"Mr. Speaker, I've always been a vocal supporter of not raising the unfunded liability. Talking about how we have a three-year mandate to keep the cost down and not add any more benefits or anything like that. So one might ask why would I be against something like this?

"Mr. Speaker, if we put this in law what happens, to me, what happens is it does take away our ability, especially at this point in time, to try and figure out how we're going to balance the budget. And that is probably our single most important responsibility this Legislative Session. How are we going to do it?

"This doesn't allow us to have the flexibility in future years should we need that kind of flexibility. And because this stems from originally, years back where we did siphon off revenues, or our payment to the ERS, that I believe that we should not do this and give us the flexibility to address this.

"Plus, when we did a briefing earlier before the Session started, there was a report that's due with regard to the unfunded liability on how many years we'll have to pay. This report is supposed to come back, I believe next year, in the beginning of next year. At that point, I think, that would be the appropriate time to consider looking towards legislation like this, as well as it would give us some time to not necessarily have to address it right now. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Basically for the same reasons. It's untimely, unnecessary, and even though a great cause, it's something we can't afford right now. We can't 'squirrel' away money, the same way that a family that's using money to buy food cannot start paying back debts on a car that may have gone sour. The point is, you have to have the right thing at the right time. This is the right thing, but at the wrong time. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, thank you very much. Just a few comments in support of this measure. Those who may not have had a chance to review the draft before us, it does several things. First of all, it requires the deposit of tax collections in a sum equivalent to the unfunded accrued pension liability of the ERS contribution by the State for State employees during the fiscal year into a separate account of the general fund. It also provides that the State's monthly contribution for State employees for the unfunded accrued liability be paid from the separate account of the general fund. Currently drafted it will take effect July 1, 2011.

"I think Members need to keep in mind that as reported by the latest ERS 2009 actuarial valuation report, as of June 30, 2009 the ERS's unfunded actuarial liability increased from $5.2 billion to $6.2 billion. And the ERS had a 64.6% funded ratio. Not the best ratio in the land. This ratio represents a percentage of funds the ERS has on hand to cover current and future pension benefit payments.

"Members, you also need to keep in mind that actuarially speaking, Hawaii's retirees live a long time, longer than the average. In fact, this means pension benefits need to be paid out over a longer period of time. The funding for future pension payments is based on estimated annual pay increases, however actual worker pay increases have been increasing over the last several years.

"And finally, Mr. Speaker, the number of retirees is steadily growing so payments are growing too. The ERS made $792 million in payments to 36,200 retirees in fiscal year 2008, and about $840 million to 37,000 retirees in fiscal year 2009. In 2012, Mr. Speaker, when more baby boomers retire, the ERS will hit the $1 billion payout mark. For these reasons, I hope Members support this measure. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, for letting me speak a second time. Mr. Speaker, I'm still in opposition. I would like to say that the Chair of Finance is absolutely right when we're talking about this unfunded liability. I believe that you would find the Minority Caucus for at least the time that I've been here as a freshman until now, that we've been advocating that before we even start new programs or do anything during good times, that we take a look at the unfunded liability. I know that we've made at least one payment to the unfunded liability since I've been here. I'm not sure if there was more.

"But the issue is not that we don't take care of it. The issue is, when are we going to take care of it? This year and next is going to be a really tough time for us, and to commit our general funds and our resources to pay back something that should have been started to be paid back way back then, we should have made that a priority at that time instead of adding on more programs. Mr. Speaker, that's my issue, the timing of it. We should not commit those funds now. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, just another, how would I say, historical footnote if I may add? In opposition. The reason we're in this position is because in more difficult times in the '90s and prior to that, this Body had set in regulation, in statute, that any amount that the ERS was earning above 8% in its investments, we raked across the top and put it into the general fund. That went along fine until there was a crisis during the Cayetano Administration. I believe that was Mr. Anzai who decided not to make a payment into the ERS, which now has caused us to be really behind.

"And now with the economy lagging we are even being more behind. Now is not the time to right what was going on in the Caytano Administration. We should wait until things get better. But to be mindful that this Body created the problem and this bill is not going to suddenly be a 'magic bullet' and the solution. We siphoned off this money. We denied them payments. But fortunately now there's a firewall between this Body and that trust fund.

"It's almost the same way that Congress has been raiding the social security funds except in this way, when they were getting a lot of returns, we were relishing in the abundance of it. Now we've got to 'pay the piper.' The point is, to pay it now is as untimely as back then when we borrowed the money, which we shouldn't have. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.B. 1904, Relating to Government. This bill requires the set aside from General Excise Tax revenues of an amount equivalent to the unfunded accrued liability contribution by the State for State employees during a fiscal year, and deposits the funds into a separate account in the general fund.

"I have deep concerns as to the fiscal impact, which remains largely unknown. According to the Tax Foundation, this measure would prioritize these funds ahead of other general funds, possibly lead to future accounting errors such as the double counting of tax collections, and may violate the intent and spirit of the general fund ceiling. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 610-10) recommending that H.B. No. 1905, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1905, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm in support with reservations. Thank you, Mr. Speaker. I think there's just a common message in most of the bills that I'm going to be talking about, having to balance the budget. In the Finance Committee, we're not quite there as to passing out the budget, so most of my comments will either be on bills that relate to balancing the budget, knowing that the budget has not been decided upon yet for the House. Having said that, the purpose of this bill is to set aside from general excise tax revenues an amount not to exceed $63 million to pay fringe benefit contributions not paid in fiscal year 2008 - 2009 in an amount to not exceed $275 million to pay tax refunds not paid in fiscal year 2010 - 2011.

"Mr. Speaker, I am going with reservations on this and not a 'no' vote, but just reservations. I think that this is very, very important, that we take care of our obligations. The reservation that I have is, again, we're trying to balance a $1.2 billion shortfall. When I look at this, especially if you look at the $275 million, the $275 million probably equates to, I'm guessing off the top of my head, about a .375 or so increase in a general excise tax that we would be able to pull in if we raised it by that much.

"This is a lot of money to make up and divert from the Governor's proposal. And as much as I would like to, because I do believe that we should give back as quick as possible, any tax returns that belong to tax payers. As you know, we've been strong advocates for taxpayers. It makes it very difficult for us to make that decision between cutting and raising taxes. Thank you."

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

"Yes, Mr. Speaker. I speak for this with some reservations, but with a full understanding of why this particular measure is needed. I also understand there are some time limitations on this, and that is good.

"My reservation is that somehow with this Administration and now with us, we keep on doing these things. We keep providing deferrals of the inevitable. It's only a 'shell game.' I don't blame anybody. But someday we have got to 'pay the piper.' This cannot go on forever.

"I think the message of this particular bill is that it should stop and in the next go around we should take care of this problem, and that is good. But if we don't have the resources in the following biennium, we won't be able to take care of this problem, so we'll just continue to have it. How long do we continue with this?

"I'm basically ashamed in a way, of the Minority Party and the Governor in some respects, who've always been very fiscally prudent, to now allow this kind of thing to happen. Not only to allow, but to lead this to happen. And to have her supporters here who are also supporting this particular item, when we all know that we are balancing the budget with the people's taxes, their hard earned money. This is money that belongs to them and it's being deferred, only to balance the budget. That is wrong. And it's wrong

for the Governor to do it. It's wrong for us to support it. That's all, Mr. Chairman. Thank you."

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

"Mr. Speaker, in support. I support the bill primarily because I feel, the Governor's decision to defer $275 million of tax refunds from one fiscal year to another is just a 'smoke and mirrors' response to the crisis we're in. I also feel like the $63 million deferral of EUTF benefits is of the same ilk, and I think it's just putting off the problems down the road when we need to address them now.

"I regretfully support the bill. It's too bad that we had to raise it and prepare the ground for paying that money back in the coming fiscal years. It's a response to a 'smoke and mirrors' solution and that's why I support it. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1905, entitled: "A BILL FOR AN ACT RELATING TO STATE PAYMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 613-10) recommending that H.B. No. 2964, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2964, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2964, which increases the salary reduction of various State officers and legislators from 5% to 8.07%. We must lead by example. As a result, this reduction could possibly motivate others, such as union bosses and certain government employees to be open to also take these cuts to help alleviate the State of its current economic situation. Thank you."

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2964, House Draft 1, Relating to Salaries. This bill:

(1) Increases the percentage by which the salaries of the Governor, Lieutenant Governor, Justices and Judges, the Administrative Director of the State, and the department heads and executive officers are to be reduced from 5 to 8.07% beginning July 1, 2010 until June 30, 2011.

(2) Increases the percentage by which the salaries of the members of the Legislature are to be reduced from 5 to 8.07% beginning July 1, 2010 until June 30, 2011.

"On October 29, 2009, the Hawaii Government Employees Association ratified a two-year contract with the State and counties that include 42 fewer workdays for most of its members. The contracts, from July 1, 2009, through June 30, 2011, call for some 18 furlough days this fiscal year, and 24 furlough days in the next fiscal year for state employees, including those in blue-collar supervisory jobs and white-collar nonsupervisory positions.

"The 42 furlough days equals a reduction in salary of 8.07%.

"This bill would apply a reduction equal to that in effect for HGEA members to the salaries of the Executive, Judicial, and Legislative official of State government that are covered by the Commission on Salaries.

"It is noteworthy to mention that this bill did not receive any opposing testimony during the public hearing.

"Lastly, during these austere financial times, it behooves the leaders of this State to demonstrate our commitment to stand by our fellow government workers. If the lowest paid workers in State government must take an 8.07% cut in pay, so should those who are paid more, including the officials covered by the Commission on Salaries.

"I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Hanohano voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 614-10) recommending that H.B. No. 2257, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2257, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. This is in regards to Stand. Com. Rep. No. 614, HB No. 2257. With reservations. Thank you. Mr. Speaker, I just wanted to thank my colleagues for being very patient with me standing up on all of these bills. I think it's very important that we speak on what we think is not correct with the bills. Thank you.

"Mr. Speaker, the purpose of this bill is to encourage workers who are receiving partial unemployment benefits and are exempt from work search requirements to look for part-time work to supplement their benefits by providing that these workers are not disqualified for partial unemployment benefits, if they separate from their part-time employer, regardless of the reason for the separation.

"Mr. Speaker, you know I looked at this, and it wasn't exactly an easy bill to have reservations on. They cite one particular situation where a person who is considered still attached to their employment, and they don't have the requirement of looking for a job since they're still attached to their employer. They go out for supplemental income so they get a part-time job. With this part-time job this particular person ended up either, and it's disputable, either leaving or getting fired. So hence this bill, because it was a situation where she had a lot of reasons for what happened and why, she was either let go or left.

"So when you look at that, she was qualified for unemployment insurance. She got a part time job. The break in service happened. And now she's disqualified for unemployment insurance. In that kind of case, you look at it and you say, 'Wow maybe that is not fair.' But Mr. Speaker, I back up and I look from a general perspective of unemployment insurance.

"The Unemployment Insurance Fund, the purpose of this Fund is to take care of people who've become unemployed through no fault of their own. So that's the basis of unemployment insurance. The second thing is, how does this differ from someone who has a job, gets laid off, then because they're searching for a job, they get another job and their unemployment benefits are still available to them. They end up finding a job and now they're not on unemployment anymore. But for whatever reason, whether they get fired or they leave, they will be disqualified from getting unemployment insurance from their previous job.

"So when I compare those two situations and I say, 'Okay, where's the fairness in this?' And maybe we should go back to the general purpose of what unemployment insurance is for. Yes, you may catch unfair situations like, for instance this person. That might be an unfair situation that is cited in this testimony here. But you've got to look at the general purpose of the Unemployment Insurance Fund. In that situation, if that person was fired,

who went back to work, they have a job, and then gets fired. Why isn't he treated or she treated the same way this part-time attached person is? And we've got to go and say, 'Why are we treating those two situations differently?'

"I think then at that point in time, it does create a wrong precedent that we could be saying later on down the line that for any reason you can still qualify for unemployment insurance. Then I would say that this is very difficult and costly for businesses if we head in that direction. Thank you."

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

"Mr. Speaker, in support. Thank you. This bill addresses a very specific situation. Under current law if you're laid off, but only temporarily laid off, say you work at a hotel that has a low season during the winter time and I don't know what the situation would be exactly. You're only going to be off work for a couple months. Under current law, you're not required to look for a job to collect unemployment insurance. Normally if you're on unemployment you have to look for a job to collect unemployment insurance. This is a special situation because you're going to be brought back on with the same employer within a reasonable length of time.

"There's really no incentive under that situation for a person to go look for another job. They know they've got unemployment benefits until their job comes back. In this case, the person who takes the initiative, goes out and finds a part time job, and reduces the unemployment insurance paid by the first employer, gets penalized. If they lose the second job, they lose their unemployment benefits entirely, even though they didn't need to go out and look for a job at all and not risk their unemployment benefits at all.

"So the reason they're treated differently is because this is an unusual situation where you're connected to an employer. You're going to get your job back and it's just a matter of time. But you don't want to discourage people from going to find another job by making it so that they lose their unemployment for the first job if they lose their second job.

"I know that's pretty confusing. I hope I got my point across, but this is a very specific situation and I think even from the employers' perspective it's better to do it this way because they don't have to go out and look for another person to fill the job that they know they're going to have fill within a short period of time. Mahalo."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2257, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 616-10) recommending that H.B. No. 2637, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2637, HD 1, pass Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2637, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 617-10) recommending that H.B. No. 2919, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2919, HD 1, pass Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2919, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 618-10) recommending that H.B. No. 2935, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2935, HD 3, pass Third Reading, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2935, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no.

At 3:46 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1904
H.B. No. 1905
H.B. No. 2964, HD 1
H.B. No. 2257, HD 2
H.B. No. 2637, HD 1
H.B. No. 2919, HD 1
H.B. No. 2935, HD 3

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 619-10) recommending that H.B. No. 1818, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1818, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Regarding Stand. Com. Rep. No. 619, HB 1818, I vote with reservations. Basically the only issue that I have is that there was testimony offered that said there are potential constitutional problems with this bill. Thank you."

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

Representative Awana's written remarks are as follows:

"Thank you Mr. Speaker, I rise in strong support. The Attorney General likes to raise concerns anytime there is a bill that relates to Native Hawaiians. And for every AG Opinion out there, there are also a dozen or more different legal opinions.

"The State Constitution provides in Article 12, Section 7, Traditional and Customary Rights for descendants of Native Hawaiians. As stated by the Office of Hawaiian Affairs, this ethnic group is comprised of the

highest percent of the State's total prison population. OHA goes on to state that "… the social and economic cost to incarcerate a person for 39 months was $123,000. Transitional programs, such as those cited in HB 1818, HD1, would cost much less, and programming would place an emphasis on wellness and independent living."

"The intent of these programs is not to mandate a religion or culture, but to provide the highest ethnic population of inmates with the tools they need to heal and learn how to become productive and peaceful citizens transitioning back into society.

"The testimony coming from the Community Alliance on Prisons shares compelling testimony through documented research and data at the national and international levels. We also received testimony from an individual who was incarcerated. He stated, "I felt more in touch with my native roots and it had made me accountable for my actions." He continues, "There is a yearning for this type of program because we have so many *kanaka maoli* in the prisons. Once you're in prison, you have a lot to think about. Banding together as Hawaiians made the transition easier. I ask this bill to be passed."

"Mr. Speaker, I ask the consideration of yourself and the Members of this House to look at rehabilitation instead of only incarceration through this passage of HB 1818, HD 1. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1818, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 621-10) recommending that H.B. No. 2266, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 622-10) recommending that H.B. No. 2657, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2657, HD 1, pass Third Reading, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 623-10) recommending that H.B. No. 2692, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2692, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in strong support for this measure. The tsunami warning this past weekend only enforced the fact that this measure is needed. Had this measure been passed and implemented sooner, many of the challenges that we on the Waianae Coast experienced on Tsunami Warning Saturday would have been avoided.

"Where was our Civil Defense at 8:00 am? Not in the Waianae Coast Mr. Speaker. When they arrived around 9:00 am at selected shelters only after being requested by the community, what was the plan from the Civil Defense? There was no plan. The plan was to wait until 11:00 am, when the tsunami was expected to enter our waters and we would find out then.

"Those who reside and do business on the Waianae Coast unlike others areas in the State of Hawaii are limited to one, and only one main highway – Farrington Highway. In times of a natural disaster, one of the first actions that take place is closure of Farrington Highway. For this reason, this measure requests the assistance of the State Civil Defense because the State provides oversight to the only main roadway – Farrington Highway.

"The State is responsible for the oversight of air or sea commute should these alternative modes become necessary. The State works closely with the military that is responsible for a large land mass in the largest valley in the area - Lualualei. The State is responsible for many human services for our large homeless population, and indigent groups. Many do not have electricity or telephones. If they have cellular phones, there are many homeless who reside in areas where there is no cellular phone access. The State is responsible for the public schools where the community assembles during a natural disaster. This community has experienced tsunamis, hurricanes, high winds, fires and high surf – all of which required the closure of Farrington Highway.

"There was testimony provided by the State Civil Defense that stated that there already exists a program. After reviewing this program, it was clear that the State Civil Defense's priority and the County's Department of Emergency Management are to get government services online as soon as possible.

"Mr. Speaker, there is a fallacy out there that government will come to our aid in times of a disaster. This is not the truth. This lesson should have been learned during Hurricane Katrina – people waiting for the government and refusing to leave their homes. In this measure, it requests the government to help provide oversight. In times of natural disasters there are already resources within this coastal community. The biggest resource, Mr. Speaker, is the people themselves. This measure will provide for the residents to provide input and insight. This measure will help those willing to come forth and offer their services and resources from the farming community, residents, churches, schools, construction, and other businesses.

"If this sounds like a great idea Mr. Speaker, it sure is. Once established, this plan can provide guidance to other communities facing similar situations throughout our State with our people, the best resource, guiding the way."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 624-10) recommending that H.B. No. 2817, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2817, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you Mr. Speaker. I rise in support with reservations and hope that as this goes on to the Senate, that there will be more clarity as to the designation of the kinds of works of art and the criteria by which they will be decided. Perhaps this will lend itself to us thinking a little broadly as to

how Hawaii might be positioned internationally with this auction. Thank you."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you, Mr. Speaker. I do understand the intent of this. In fact, years ago, a lot of years ago, when I was the Chair of Culture and the Arts, I actually introduced a measure similar to this. But what I learned through the process is that the advocates of art, the people that were around when we started the Art in Public Places, the 1% set aside from the CIP when we created this awesome historic art collection for the State of Hawaii. What I realized is that there are some works of art that over time lose value. But it doesn't diminish the fact that those pieces are part of our art history. I understand the House Draft 1 and the efforts to maintain that. Those are not the type of artworks that will be sold.

"In fact, the types of artworks that will be sold are those that will get over a 110% of their purchase price. But it's just not a good thing. It's not a good thing for us to even contemplate the sale of our art because it's part of our history. We should be very proud of the fact that in the State of Hawaii we, years ago, and I believe it was about 30-35 years ago, we set aside this money to purchase our art. So those are the concerns that I have in regards to this bill. Thank you."

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

"Thank you, Mr. Speaker. I stand in support. Thank you, Mr. Speaker. I truly appreciate the comments made by the two previous speakers, however, the purpose and intent of this measure is to ensure that art continues to thrive in our schools and in our community. This is a revenue-neutral measure which will give the Hawaii State Foundation on Culture and the Arts the ability to auction works of art and use those funds to purchase new pieces within the State.

"Currently, the administrative rules already allow for works of art to be auctioned, but no mention is made in these regulations as to where these funds are deposited. This measure ensures that once auctioned, the funds derived from the works of art go back into a fund to continue to support art in our islands.

"The Foundation has never exercised this option; understandably. But in economic times like these, should an auction need to take place the funds will circulate right back into the Division where it came from, supporting a Department that may appear irrelevant.

"But indeed Mr. Speaker, art cultivates the creative mind. Art allows the individual to escape and at other times it allows an individual to come to terms with a situation they cannot or may not be able to verbalize. For these reasons Mr. Speaker, I support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Belatti, Brower, Choy, Coffman, C. Lee and Takai voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 625-10) recommending that H.B. No. 2445, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2445, HD 2, pass Third Reading, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Stand. Com. Rep. No. 625, I would like to ask for a ruling on a potential conflict. At my law firm, they represent the HTA, but I'm not working on that matter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2445, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Berg voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 626-10) recommending that H.B. No. 1859, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1859, HD 1, pass Third Reading, seconded by Representative Evans.

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

"I'm standing in support with reservations and brief comments, Mr. Speaker. I absolutely support the intent of this measure. It is absolutely laudable in consideration of our disabled citizens. My concern is with the additional fee increase, and it not going to the State Highway Fund. That's my only reservation on it. Thank you, Mr. Speaker."

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

"Thank you. With reservations as well. I have similar comments as the previous speaker. I'm just concerned that none of the funding will be going to the Highway Special Fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 628-10) recommending that H.B. No. 2603, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2603, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Third Reading by a vote of 51 ayes.

At 3:55 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1818, HD 2
H.B. No. 2266, HD 1
H.B. No. 2657, HD 1
H.B. No. 2692, HD 1
H.B. No. 2817, HD 1
H.B. No. 2445, HD 2
H.B. No. 1859, HD 1
H.B. No. 2603, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 630-10) recommending that H.B. No. 2561, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2561, pass Third Reading, seconded by Representative Evans.

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I wish to cast a no vote on this measure. The reason being is that I believe that State land or the *'āina* is sacred. If we're ever going to be selling the land or leasing the land, it should be with the oversight of the State Legislature. I believe this bill lessens the oversight of the State Legislature.

"I'm aware the reason for this is because sometimes you need to move this land rapidly, but good planning would preclude that. So I believe that the land and any dislocation, any leasehold, should belong to the oversight of this Body. Thank you, very much."

Representative Hanohano rose to speak in opposition to the measure, stating:

"Mahalo 'ōlelo. Ke kū nei au i koho 'a'ole. 'O kēia pila 'a'ohe pono. 'O ka 'āha 'ōlelo kau kanawai hana ho'okahi hanalei kanahikukumamaono, halawai kanawai 'eula kaukani 'eiwa e kū no na 'āina 'apau no ke 'aupuni. 'O na 'oiwi 'o Hawai'i 'a'ohe pau ka loa'a hou. Ina ke kanaka maoli e loa'a hou 'oia ho'i no ka mea kaulike. He aha ke ka'ao no kēia halawai no kēia hale maka'āinana e ka ho'omana'o 'ia? Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker, I rise in opposition. This bill is not right. The legislative Act 176, Session Laws of Hawaii applies to all public lands. The indigenous people are still in the reconciliation process. Until Hawaiians receive justice there is no justice. Is selling the lands the legacy this Legislature wants to be remembered for?

Representative C. Lee rose in opposition to the measure and asked that the remarks of Representative Hanohano be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Shimabukuro rose in support of the measure with reservations and asked that the remarks of Representatives Souki and Hanohano be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you Mr. Speaker. In strong support. Mr. Speaker, House Bill 2561 deals with the sale of non-ceded public lands. I ask this Body, and I've asked this question to the Attorney General and others who have testified. I think it should be made very clear to the Members of this Body.

"First of all on House Bill 2561, there were two hearings before the Committee on Water, Land, and Ocean Resources, as well as the Committee on Finance. All of the testimony was in support. There was not one piece of testimony in opposition. So that testimony included testimony from the Office of Hawaiian Affairs, the University of Hawaii System, the Hawaii Housing Finance and Development Corporation, the Department of Agriculture, the Department of Land and Natural Resources, the Department of the Attorney General. I'd like just for the record to include some of the comments that were given by the Department of Agriculture:

"The required process for legislative oversight and approval may result in the State not receiving full market price, incurring additional expenses, or reducing its net gain on the sale of land. Sale of land by the Department of Agriculture will not likely be completed in a timely manner and may result in a lower sales price as the Department of Ag may need to wait months to get approval to sell the land. In some cases the Department's costs may be higher as the delays in the sale may require the hiring of property managers to oversee and maintain the properties. In addition, the review process requires that an appraisal be obtained which may not be warranted in all cases."

"So that's just an insert of some of the testimony from the Department of Agriculture. I'd like to also read the testimony from the Hawaii Housing Finance and Development Corporation, whose mission it is to provide affordable housing.

"The HHFDC must currently conduct a community meeting, prepare an appraisal of the property for purposes of obtaining legislative approval to sell a home in fee simple, and continue to expend the carrying costs of owning an unoccupied residence, such as landscaping, maintenance, and security expenses. Passage of this measure would allow HHFDC to carry out its mission of providing workforce and affordable housing."

"Mr. Speaker, this bill is in response to Act 176. As we know, this particular bill deals only with non-ceded lands and often times State agencies need to have the ability to sell their own lands without legislative approval. While I respect the Chair of Transportation and his philosophy on the State's ability to sell public lands, I think this is a little bit of a different situation because we're not dealing with ceded lands, number one. But number two, there are situations in which you are creating more of a burden. You're creating a situation where it can be very political at times. And more importantly, you could possibly be getting less money for the land.

"So at the end of the day Mr. Speaker, again for the Members, this deals with the sale of non-ceded lands, and again there was no testimony in opposition. Thank you, Mr. Speaker."

Representative Ching rose, stating:

"Mr. Speaker, might I make a request? I would like to know what the Representative of Puna actually said. I unlike perhaps the Representatives from Kailua and Waianae, I do not understand fluent Hawaiian. But I would like to learn from what she says in the spirit of debate. I was wondering if someone might translate for the Representative."

At 4:02 o'clock p.m. Representative Say requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:03 o'clock p.m.

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

"Mr. Speaker, I rise in support of the measure. Not only is the sale of non-ceded land something that we've got to do. I would remind the Body that we have still a $1.2 billion deficit. When a family has a problem, it may have to sell off some of its assets, jewelry, maybe a car, or maybe a boat, maybe a canoe.

"Obviously the Speaker Emeritus reminds us that we should not be selling the land. Obviously we all agree with him, but we are in a situation where it's our responsibility as policymakers to get us through and over this hump. We don't want to do it, but we're forced to do it. It's non-ceded lands. If we don't get the deficit and the budget balanced, we're going to be in trouble.

"We're reminded that the Council on Revenues is going to meet the 23rd, 24th, 25th this month. It could even be worse. According to the hearings that we had in Finance, this could raise up to $500 million. That's a half a billion dollars. Everybody would probably breathe a sigh of relief if that was the case. Right now, we don't have anywhere close to that with all these different ways that we're trying to package the budget deficit.

"So having said that Mr. Speaker, we don't want to do it, but sometimes in hard times you've got to do things. You've got to roll up your sleeves. You've got to be tough. You've got to be self-reliant and this is part of the discipline, the fiscal discipline, to get us over the hump and to get out of this budget deficit. Thank you."

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

"I rise in support, but with reservations and I would like the words of the Representative from Kahului to be inserted as my own. I would like to make a couple of comments. This piece of proposed legislation doesn't say that we cannot sell them. It's just asking for an oversight. It's owned by the State. There should be oversight from this Body, Mr. Speaker."

Representative Souki rose to respond, stating:

"Yes Mr. Speaker, in rebuttal. First of all I did not say that we cannot sell. I said the Legislature needs oversight as to whether it is feasible or not feasible to sell, whether it is feasible to lease or not lease. The responsibility is with us.

"As far as us selling the land to pay a debt, I've never heard of something more outrageous than that. You sell the land, and I remind you, we are very limited in the State of Hawaii. We're very land poor, and now of course we're money poor. We'll spend the money, and we also won't have the land. For ages and ages the land has been sacred in Hawaii. It's in our motto. It's sacred. You don't sell this land. Thank you."

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

"Thank you, Mr. Speaker. In strong support and I'd like to adopt the words of the Representative from Kapolei as my own. And just short comments. Some of the situations that were given in testimony in Finance, for example, is that this would allow HHFDC to promptly sell repurchased homes to first-time home buyers. So in this kind of case, we must have given permission at one point in time to sell. It's just to a different first-time homebuyer. So these are the kinds of problems that they're having because of Act 176. Thank you."

Representative Har rose to respond, stating:

"A brief rebuttal, Mr. Speaker. Again, while I have great respect for the Chair of Transportation and I don't have an issue with legislative approval. But the fact of the matter is this, this Legislature only meets from January typically, to May. In the interim period, if there is the ability to sell, and again oftentimes land is dictated by fair market value, the price is dictated by fair market value, that State entity has to wait for legislative approval, which may be seven months after the fact.

"For example, I'm going back to the example with HHFDC. In my district there were many homes that were foreclosed upon and because of HHFDC's equity lien, they wanted to be able to resell these homes to families that qualified for affordable housing. Unfortunately because of the passage of Act 176, these homes have been sitting now for over nine months that could have gone to a family who qualified for affordable housing. But unfortunately, HHFDC had to come to this Body, and those resolutions still have not passed and probably will not be finalized until the end of this Session.

"So again, we continue to hold up the process. For example, with respect to HHFDC's mission to get affordable housing to our local residents. Again for these reasons Mr. Speaker, I stand in strong support of this measure. Thank you."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition and request that the last few paragraphs of the Representative from Maui be entered as my own. Including all the exclamation points. And I hope that as this comes back to us, all the Chairs will be paying attention to the pieces within the bill which require proper planning and oversight by the State. It's one thing to say we can sell whatever we want to sell, but I think what we're trying to do here is to find ways to create policy that will guide our State in the correct planning process. So I hope that that will be included. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2561, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading by a vote of 35 ayes to 16 noes, with Representatives Awana, Belatti, Berg, Cabanilla, Choy, Hanohano, Keith-Agaran, C. Lee, Luke, Morita, Nakashima, Nishimoto, Saiki, Souki, Takumi and Wooley voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 632-10) recommending that H.B. No. 2689, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2689, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I have reservations on this measure. This may be a case where we should look a gift horse in the mouth. This bill would require that the State receive water systems or even parts of water systems. We may be the recipient of 'Pandora's Box of Ills.' So I'm going to urge caution on this measure. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2689, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 633-10) recommending that H.B. No. 2835, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2835, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against this bill, Mr. Speaker. I was really surprised to see it come out of Finance because it is a very large unfunded mandate on the Bureau of Conveyances. I thought with the Finance Committee facing such a deficit that they wouldn't put through something like this measure.

"This bill will require the Bureau to provide an adjoining landowner, upon request, any information of record relating to the management, control, and title of any public highway, waterway, or water course.

"The Department of Transportation put it very clearly: 'The Department believes it will cause undue hardship, take an extraordinary amount of time to accurately research, identify, and provide available ownership information for highways, roads, lanes, alleys, and streams. And there are no known existing available databases at the Bureau of Conveyances for this bill.'

"The bill states that ownership cannot be readily determined by search of public records. Ownership is typically determined by exhaustive searches of public records and maps. Even with ample amount of time and research, ownership of these interests might be hard to determine. Some of the ownership of roads and streams are determined by older maps that have no transfer ownership documents of records. Common use does not ascertain a land or waterway as a legal owner.

"So what we're doing is putting forth a huge unfunded mandate on the Bureau for people to go in and say, 'Okay Bureau, you do the work,' where those private landowners should instead be forming a *hui* and hiring their own legal counsel to probably have to do a quiet title action. If they want to establish the ownership of the land, the ultimate way to do that is through a judicially monitored quiet title action, then the title is established by the court.

"This way makes no sense when we have about a $2 billion deficit. When we have other things that have to go on with the Bureau of Conveyances. The bill just makes no sense and it should never have emerged from Finance. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am also in opposition and I'd like to adopt the words of the speaker from Kailua. Thank you. And just short comments. When I was in the mortgage industry and we would do titles, we would request for title searches because of a private road or ownership. It costs a lot of money. The Bureau of Conveyances is going to be very taxed in trying to get this information at no cost. Mr. Speaker, I think that before we move this measure out, we should get some kind of idea of what

this is going to cost us. I believe the fiscal impact is unknown at this point in time. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I rise in support. For many years we've continued to discuss this issue called, 'roads in limbo,' and it really puts a burden on homeowners because they never truly understand who's responsible for the road. They will go to the county and ask who's going to help with the maintenance, and the county says they don't know who owns it. They go to the State sometimes and ask who own this road, and they say they don't know. And then they talk to the neighbors and the neighbors say that they don't know.

"As a State Representative from the Big Island, I remember about six years ago when we got caught in this 'roads in limbo.' The Legislature had to jump in and we came up with $2 million to replace a bridge over a State irrigation ditch because there were six homes on the other side of the ditch. No one could figure out who owned the road and who owned the bridge. It became a public safety issue, so we ended up doing it at the State level, but we never could resolve if it was a county issue or a State issue? But the people were in danger.

"So I think that the real intent of the author and the person who really wanted to move this forward understands that sometimes there are lanes, there are public highways, and there are roads. The property owners get caught, in who's going to do what. I think people are really nervous that it's going to happen all the time. I don't see it happening all the time, but it will happen, situations where someone's got to take care of roads, somebody's got to solve the problem. Thank you, Mr. Speaker."

Representative Thielen rose to respond, stating:

"Yes Mr. Speaker, this is my second time. That's a different bill, Mr. Speaker. We're not talking about maintenance of roads. Maintenance of roads is fine and there's another measure moving through that's saying, 'Okay county or the State. Take care of these roads even if they're private roadways.' That's fine.

"What this says is, 'Go do work for private landowners to tell them who owns title to this road.' And that's something the private landowner should pay for. That is not something that we should say to the Bureau of Conveyances, which is understaffed and underfunded, 'Now you have to do this additional work and we, the Legislature, are not giving you any money with which to do this work.' So it's a totally different issue from what the prior speaker said. Thank you."

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

"In support of Stand. Com. Rep. No. 633. I just want to say I think it's actually quite a moderate bill. I think as a matter of good governance, it would be good for the State. The Bureau of Conveyances, which is the only organization that's tasked with knowing who owns land in the entire State, which is an unusual situation. Most states do it county by county.

"But the Bureau of Conveyances is who keeps track of who owns what. I think probably in the long run, the thing that we should be doing is systematically going through all the property in the State and making sure that we know who owns everything.

"I recognize that we do have fiscal difficulties right at the moment and this bill won't be used for every single lane in the State, or every single stream in the State. But it is a big problem. It's one that the private sector has not addressed.

"It seems to me that a few hours ago some of the same people who were saying that a lawyer should not be involved in enforcing the fireworks laws, now say that lawyers should be involved and paid for by the private sector to solve a problem. So I appreciate all your support on this measure, and it's very important to my district, and I think to many others as well. Mahalo."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in opposition. Thank you. Mr. Speaker, government cannot and should not pay for problems that should be handled by the private sector by private owners. The issue with this as the previous speaker had just mentioned, is a big problem. What happens to the big problem? Does it just go away and not cost anything? No.

"People will come in for free services. Once they hear about this law, they will come in and try and get that information for free because they've been sitting on a problem for so long. So that's why I think it's going to cost a lot of money. This happens quite a bit.

"When I was in the mortgage industry, people would come to the table, they would find out that there's a private road, and what if that happens in this case? They find out there's a private road. They're trying to sell the property and usually that's when it happens. Then they turn around and they say, 'Okay, I'm not going to sell it right now. I'm going to go the Bureau of Conveyances and ask them to do the work that I should have done to figure out this private road situation.'

"They're going to save the $2,000 that they would have spent if they wanted to sell their property, and now they're going to have the State basically pay for it. The Bureau of Conveyances records. They record instruments coming in. Yes they have information, but they record it. I don't think they have this huge database, and obviously they don't or else they would have said they would give them the information. But as they stated in their testimony, they don't have this information readily available because a lot of this is not clear, and they would have to go through extensive research.

"So Mr. Speaker, this is the issue. Why a 'no' vote? Because it costs money to do this kind of research. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2835, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Carroll, Ching, Finnegan, Keith-Agaran, Marumoto, Pine and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 635-10) recommending that H.B. No. 2171, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 636-10) recommending that H.B. No. 2347, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2347, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 638-10) recommending that H.B. No. 2833, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2833, HD 1, pass Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Belatti voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 639-10) recommending that H.B. No. 2923, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2923, HD 2, pass Third Reading, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2923, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Belatti, Berg, Hanohano, C. Lee, Luke, Morita and Saiki voting no.

At 4:25 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2561
H.B. No. 2689, HD 1
H.B. No. 2835
H.B. No. 2171, HD 1
H.B. No. 2347, HD 2
H.B. No. 2833, HD 1
H.B. No. 2923, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 640-10) recommending that H.B. No. 1921, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1921, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like to just note my reservations on Stand. Com. Rep. No. 640, House Bill 1921 as we move forward."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1921, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 641-10) recommending that H.B. No. 1926, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1926, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this bill. Mr. Speaker, this is job-killer bill number two. It basically takes the small business community through DBEDT to raise their fees to support something which otherwise is uncalled for. We should be funding DBEDT so it can help the community. We shouldn't have to go out and go off budget and do a special fund. May I finish my remarks through submitting to the Journal? Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 1926, Relating to the Department of Business, Economic Development, and Tourism. The bill is a job killer. It makes businesses pay a $20 surcharge for a variety of State fees.

"DBEDT says that the revenue generated for the Department would have very little impact on its budget, but have far more significant and negative impact on businesses. It turns the Department into a tax collector and is inconsistent with the Department's mission of reducing the cost of business in Hawaii.

"For these reasons, Mr. Speaker, I oppose HB 1926."

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

"Mr. Speaker, I'm in strong support of this bill. Mr. Speaker, this is a pretty interesting bill because what it does is it charges a $20 surcharge to the business community to fund DBEDT. Now as I've been sitting in the Finance Committee, we know that we're in a budget crisis. And when you look at a Department like DBEDT it's very, very difficult to say DBEDT is a core service. Now they provide important functions to our State, and I'm not denying that, but it's really not a core function.

"So Mr. Speaker, what I tried to do in this particular bill is to make sure that we can fund the function of DBEDT by having the business community chip in 20 bucks. This 20 bucks is going to generate approximately $5 million, which is about 100% of the 'A' funding of DBEDT.

"So if the business community chips in 20 bucks, we can save DBEDT, but more importantly Mr. Speaker, what we can do is we can take that $5 million of 'A' funds and we can put it toward our 'safety nets.' We can put it towards our children. We can put it towards our aged and our homeless. So I freed up $5 million of 'A' funds.

"This bill also takes $2 million from the Compliance Resolution Fund from all non-fee sources. So again, this particular bill is just a creative way to fund DBEDT, which I think performs an important function, but not a core function. Thank you, Mr. Speaker."

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

"Thank you Mr. Speaker, with strong reservations on this bill. Mr. Speaker, I do appreciate the previous speaker's intent with this bill. But I have to say standing here today and listening to, 'It's just one more dollar. It's just 20 more dollars' on each and almost every bill that comes by. No wonder my colleague is saying it's a job killer.

"It's not the one dollar. It's not the 20 dollars. It's not the five dollars here and there. It's the constant, 'We need more money. We're going to ask for more money. If you belong to this group, you're going to pay more. If you're a business, you're going to pay more.' This adds up. I don't know, if you did that to me in my personal budget even if it was 20 cents, but if it went on forever, I wouldn't be able to afford it.

"So that's the point Mr. Speaker. I think there are very many creative ways in doing these types of things, but just remember, that's $5 million more dollars that gets sucked up out of businesses as a collective total. Thank you."

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

"Thank you, Mr. Speaker. I'm also standing with strong reservations. Yes, I think it almost behooves the Legislature to remember, the House, as well as the Senate, the message that we send because we are leaders. Because people elect us. We're leaders and so people listen to leaders. They listen to the inherent message that we send. And I think that our concern if I may say from the Minority Caucus, is what message are we sending consistently with certain bills.

"We're sending a message that business maybe doesn't have a place at the table. Or that they're not part of the team or they're not part of the table. And that's just not, I think, what we want to do in times of unprecedented economic challenge.

"What we want to say to them, as the Representative from Hawaii Kai has said on occasion, is that we want to say, 'Hey come. *Hele mai'ai*. Come. Come. Come here. You're welcomed. We want you.'

"So I just think I understand what the Representative of Manoa is saying. And yes, there is a nexus for the user fees. I understand that. But we have to always bear in mind the message we send. Thank you."

Representative Choy rose to respond, stating:

"Thank you, Mr. Speaker. Just in brief rebuttal. You know during the testimony, Mr. Larry Reifurth, the Director of the Department of Commerce and Consumer Affairs, testified that over the last, I think he said seven years, businesses have saved $55 million from the lowering of fees. I'm asking for them to chip in and give back just 20 bucks so we can save our safety nets. I think businesses, and I'm one of them, of Hawaii stand ready to do their share to get us out of this mess. I think that the businesses of Hawaii are not ready to forsake our children. They're not ready to forsake our needy, or our aged. I think they stand ready to do their part. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief retort. I would remind the learned gentlemen that in the three quarters of 2009, the State of Hawaii lost 46,560 jobs. 99% of them were private sector jobs. Job retention is one of the most responsible things that we have to do in this Body. We don't have to have a lesson in macroeconomics to know that 80% of all the jobs are private sector jobs. To say that this is not a core service, to keep 80% of our people employed is to miss the thrust of what we have as a free economy.

"15 to 20% of the jobs come out of federal, State, and City and county government jobs. If we don't keep the private sector strong, we're not going to have enough money to keep the lights on in the government. That's part of our responsibility as those who are holding the 'purse strings,' particularly in the House of Representatives.

"So Mr. Speaker, the point is we have to let these businesses have a chance to catch their breath without $20 here, a thousand dollars from the unemployment insurance bills, the electricity bills that goes on the dollar and five tax that we just passed on the barrel tax. All of these things add up. And what we're pushing is employees out of the job market. As I said, last year 46,000 were shed.

"And the way America is exporting its businesses overseas and the way that government is complicating the hiring and the firing and the benefits process. We're going to end up with a nation instead of any businesses more than 2 or 3 people. The big businesses are going to be gone. They will either be overseas or government will have strangled them.

"Mr. Speaker, we're in the process of turning up the heat on the frog. When it's all hot and boiling, he'll never go into it. But if we get him in there and just slowly turn it up. And that's what America has done for the last couple of decades. We've turned up the heat and right now we're in a crisis in this State. We need to give these guys a break. Thank you Mr. Speaker."

Representative Ching rose to respond, stating:

"Thank you. Just a comment about business as a former educator. I'm still with strong, strong reservations. I just wanted to say I think business has been so active in education. What comes to mind is the Hawaii Business Roundtable, etc. It's in their actual best interest to have a good educational system. To have well-educated children. So I just wanted to respond to the comment about. It's just again, a philosophical difference. How do I use my money? I'd like to know where my money's going. I'd like to have a little control over it. Thank you."

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

"Mr. Speaker, in support. I just wanted to speak momentarily about this sense from the Minority side of the aisle that this Body is just relentlessly anti-business and everything we do is anti-business. I just want to point out that HB 2169, which is a UI bill that will save businesses over the next two years $241 million, passed this House and passed the Senate today on Second Reading. It'll be going to the Governor soon. Please be balanced in your look at how we approach businesses. Mahalo."

Representative Pine rose, stating:

"Mr. Speaker, personal point of privilege. Just want to clarify that we're not speaking on that bill at that moment and he cannot speak on a bill that is not before us."

The Chair responded, stating:

"Thank you. He is done with his message."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just to add on to my reservations. You know businesses right now, when you go to many of the functions having to do with helping the vulnerable population, association dinners and all of these types of things, who comes out and gives the money to support these types of things? Business. Businesses who have money do it. Many businesses contribute thousands, and thousands, and hundreds of thousands of dollars to contribute and help our society. So this $20, or $5 million collectively. Yeah sure, but it's another tax. So Mr. Speaker, that's why it's really difficult because you're taking it from them, whether or not the business can afford it. And that's my comments. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes in opposition, Mr. Speaker. And just as a rebuttal to the Labor Chair. No one here has said that this Legislature is against business. However, a lot of people in business are saying that about us right now. I think we need to really look at what we're doing and how we're treating not only business, but the people of Hawaii, and how we solve these budget problems.

"You know in the State of New Jersey in the early 2000's they had some budget problems even back then and they decided to go after business. A little here, and a little here, and a little here. What they discovered was a lot of those businesses decided to leave New Jersey because as the Representative of Hawaii Kai said, they pretty much got 'fried in the pot' and they just couldn't take it anymore. They were going to literally die if they didn't leave that State.

"And so as a result they lost millions and millions of dollars. Not only job losses for the people that live in New Jersey, but also the non-profit foundations lost out too because who were the people that gave the most to those non-profits? Those were those businesses.

"So I think that, while no one in this Chamber is pointing fingers at anyone as being anti-business, we really need to look at what our image is to not just other states, but the world. Not too long ago *Forbes Magazine* had us as one of the most anti-business states in the nation. And of course thanks to Governor Lingle, that changed a little bit. Unfortunately, this Legislature did override some vetoes that she felt were going to hurt that ranking. Of course we are back again as probably, according to *Forbes Magazine*, as being one of the worst states to do business in again. And so while no one's pointing fingers at anyone else here, it sure seems that people outside this building has a very different image of how we perceive ourselves."

Representative Herkes rose, stating:

"In opposition. Kill the bill and close DBEDT."

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

"Thank you, Mr. Speaker. I'm standing in strong support of this measure. We as a Body decided not to increase the sales tax or the GE tax. That's a decision we made, so therefore we have to come up with a solution to close the budget deficit. So we have to take a nickel here, and a dime there, or $20 from somewhere. We made that decision, Mr. Speaker. So therefore, we need to lie in that bed that we made. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1926, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Berg, Marumoto, Pine, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 642-10) recommending that H.B. No. 2283, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2283, HD 2, pass Third Reading, seconded by Representative Evans.

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. However, because we've only been debating about 10 pages, and we have about 10 more pages and it's taken us 6 hours, I just would like to request to submit written comments."

Representative B. Oshiro's written remarks are as follows:

"House Bill 2283 HD2, Relating to Public Procurement, seeks to ensure fair and ethical use of government funds by requiring both State and county purchasers and private entities offering goods and services for sale to government purchasers to follow ethical principles in matters relating to procurement. For ethical procurement principles to be observed and followed, however, there should exist a clear framework of what those principles encompass – this measure attempts to accomplish just that.

"Recently the Hawaii Procurement Institute referenced three habitual problems regarding procurement; the most serious and costly of these related to the subjective and 'piecemeal approach to contracting' that results from officials not knowing procurement procedures – and thus making sometimes unethical decisions.

"Inefficiency, as well as unethical behavior, result from Department and Agency officials being unfamiliar with the State's procurement process. A recent example of this was illustrated by the Office of Elections' attempt to procure voting machines for upcoming elections. The Office issued an RFP, received bids, and awarded contract to a company whose bid was $25.3 million dollars more than the next comparable bid. The Chief Elections Officer was unable to justify the award, despite both proposals offering comparable service.

"As you know, under the separation of powers doctrine, the legislative branch is the sole authority to create laws and policies. Administrative agencies and administrative rules are only proper when authorized by the Legislature, and based upon a statute.

"Without any statutory basis under the Procurement Code, Haw. Rev. Stat. Ch. 103D, there appears to be a question as to whether these rules are *ultra vires*. To avoid any potential challenge to the validity of these rules should there ever be a prosecution or enforcement, the purpose of this bill is to ensure that there is a law by which contracting officers must follow an ethical code of conduct.

"It is true that there is already a standard of conduct under HRS Ch. 84, which is administered and enforced by the State Ethics Commission. However, in the event that there is ever an improper procurement or contracting issue, the purpose of this bill is to ensure that the Procurement Policy Board has some authority to declare that there was a violation, and not have to merely rely upon their own adopted rules, which at this point, lack any statutory basis.

"The expectations detailed in this measure will help ensure that the public has confidence in government and its leaders by requiring impartiality and independence when contracting out government work. I urge my colleagues to support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2283, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 643-10) recommending that H.B. No. 2698, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2698, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise with reservations on this bill, Stand. Com. Rep. No. 643-10, House Bill 2698. And as I said before, thank you so much for your patience as this is very important to do the business of the State. I'm glad that everyone is being patient with the Minority as we speak up on these bills that we think aren't going to be good for Hawaii, or as we give it some direction to make it better.

"The purpose of this bill is to position Hawaii for global competitiveness in the 21st Century by establishing the Hawaii Broadband Commission and the Hawaii Broadband Commissioner to increase access to broadband communications for all households, businesses, and organizations throughout the State.

"Mr. Speaker, there was a lot of work that was done to bring forth a bill that would truly make a difference for broadband in Hawaii. In December of 2008 the Hawaii Broadband Task Force issued its final report with recommendations to improve Hawaii's access to broadband technology. Remember: that report noted that the State of Hawaii ranked 50th in broadband connection speed in the United States.

"I also want to remind you that this is a strong issue for the President of the United States, knowing when you're talking about being globally competitive, that you want to be able to be on the cutting edge. It's a pretty sad state where America is globally, being that we are a strong nation, as well as where we rank in Hawaii.

"Now I realize that the bill, I think last year's bill, House Bill 984, is in Conference and it enacts the recommendation of the task force more thoroughly. Now for whatever reason I don't know, that didn't move forward. What I will say is that I'm going to support this with reservations because I think we can do a better job. We need to do a better job. As the world moves forward we have to keep up, and I think this is a very important issue, and I hope that the Senate and the House can get their act together so that we cannot be ranked 50th in broadband connection speed in the United States."

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

"Thank you very much, Mr. Speaker. I am in support. It's very interesting. I can appreciate the reservations of the previous speaker, but the fact of the matter is the bill that was in Conference last year had one thing in common. Every business entity involved hated it because they said it put mandates on them. It basically was empowering bureaucratic government and would stifle investment and competition in the broadband infrastructure in Hawaii.

"I had provider after provider, business entity after business entity, come to see me to say that this bill goes way overboard. It empowers government and it will scare away investment and opportunity.

"The idea behind this bill is to set up the regulatory framework or the framework of the commission and the commissioner. Let them work with the business community. And let them come back to us with recommendations on regulatory powers and other issues. Issues that will take a lot of time and input to get resolution on, rather than us micromanaging policy from a legislative point of view.

"You're right. There is a bill in Conference, Mr. Speaker. But this bill approaches a fresh revenue-neutral approach, pardon my French, to this issue. Let's set up the framework. Let's let them work with business and government, and let them come back to us and say, 'These are the things that you as a Body need to consider to really move broadband forward into the 21st century.'

"So this is an approach to bring business to the table and have their concerns met, instead of that being shoved completely to the side. We want to encourage investment. We want to encourage more opportunity in Hawaii and that's what this bill does. It's a vehicle to bring business to the table. To work with them as a partner instead of dictating to them certain terms that only one branch of government, or one agency wants. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, I think this bill has arrived. It's timely, it's important. It's not as big a deal as it was last year, but it's a great beginning. And I want you to know that I was on the Broadband Task Force. The Chair of Finance, myself, and a number of other people from the community.

"And even though the previous speaker from Maui did say that the private sector had a lot of problems with it, it was partially because there was a lack of transparency on their part. While we were meeting month after month, after month, after month, they held their cards so close to their chests. It was a real surprise when all those hearings kind of blew up in our face.

"But I also want to share that we have got to get serious about our speed. Not only because the November of 2011 is when APEC is coming and the whole world will be watching us, but we are so far behind that we've got to catch up so our kids can stay up to speed.

"One anecdote I will share Mr. Speaker, as a member of the Broadband Task Force, we were all excited that we heard Google was laying a cable between the US and Asia. After we got excited, however, we got so disappointed because we learned that Hawaii was going to be bypassed because we were so complicated to deal with, with the way government regulations, the way postponement and time and money were involved. Google just went right around us.

"So we have to be serious about broadband. We have to be serious about giving a sense to the private sector that we're serious about doing business. That we're open for business. I noticed that some people chuckled when the piece about Hawaii's standing among the states has increased under the Governor. Clearly it has. Her statement that we are now open for business still stands. And with that, this broadband issue is a very high part of the administration. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2698, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 644-10) recommending that H.B. No. 2945, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2945, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 647-10) recommending that H.B. No. 2902, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2902, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EDUCATION GOVERNMENT TELEVISION," passed Third Reading by a vote of 51 ayes.

At 4:48 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1921, HD 2
H.B. No. 1926, HD 2
H.B. No. 2283, HD 2
H.B. No. 2698, HD 2
H.B. No. 2945, HD 2
H.B. No. 2902, HD 3

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 648-10) recommending that H.B. No. 2301, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2301, HD 2, pass Third Reading, seconded by Representative Evans.

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

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

Representative Keith-Agaran's written remarks are as follows:

"Thank you Mr. Speaker. I support H.B. 2301, H.D. 2 which creates a pilot project to transfer jurisdiction of the maintenance of State Highways on Maui, Lanai and Molokai from the State Department of Transportation ("SDOT") to the Highways Division, County of Maui Department of Public Works ("Highways Division").

"The Final Report of the Task Force on Reinventing Government (January 2010) recommended transferring Neighbor Island State DOT personnel to the respective county department and consolidating work there. The Report further suggested: "The reorganization would eliminate redundant personnel, improve coordination between the DOT and the counties, and enable county departments to reach economies of scale. The Subcommittee [on Transportation] suggests that this idea be tried on a pilot basis, starting with the island of Maui." Final Report, p. 14.

"While there may be differences in opinion regarding whether there will be any efficiency savings – given the difference in the age and development standards governing existing county roadways and State Highways and challenges from the current dependence on oil taxes for maintenance of existing roadway infrastructure by both the State and the counties – testing the notion that eliminating apparently overlapping functions between the State and county will be an improvement is worth discussing and pursuing.

"Currently the State DOT maintains roadways developed under modern standards imposed by the federal government and financed in large part with federal aid. The counties, including the Maui Highways Division, perform some of the same highway maintenance duties on former State highways, public roads and private roads designed and built in pre-Statehood days, as well as certain Federal Aid roadways constructed in recent decades. The pilot project will continue State oversight of the

financing for state-wide projects while allowing Maui Highways Division to manage the day to day functions of roadway maintenance on Maui, Lanai and Molokai. The Task Force suggested Maui County as a pilot since the Highways Division already cooperates with the State in maintaining certain State-owned roadways on Molokai and East Maui and provides maintenance of all traffic signals on Maui.

"I understand the reluctance of the County of Maui to wholeheartedly undertake this proposed pilot project, and the caution of my colleague from West Maui regarding his experience with the responsiveness and effectiveness of the Highways Division and Department of Water Supply crews in his community. There are questions about the adequacy of resources that will be made available during the course of the Pilot Project, including, but not limited to the relationship of the State DOT employees to the Highways Division supervisors during the five years. I would hope the details can be worked out between Maui County and the State DOT in good faith to test whether a stronger County maintenance agency makes government more efficient.

"I urge my colleagues to vote in favor of this bill."

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

"Thank you very much, Mr. Speaker. In support with reservations. Just some brief comments. I appreciate the intent behind this measure and that the resources will be going from the State to the County of Maui. It's just that real world application of the law is that in Maui, particularly in my district, the State Highways Division is much more responsive than the County has been.

"Case in point. We had a degraded shoulder roadway. One call to the State DOT and a crew was out there the next day. Meanwhile a pothole the size of the Grand Canyon was on Wharf Street, which is a county street. Three months of phone calls, letter writing, went to no avail. Finally what had to happen was a contractor, off of work, late at night, had to come in and basically put asphalt in the pothole to repair it. The irony was that the contractor just got off working a State DOT job.

"So I think that by moving it to the County here, I think it will kind of be counter-productive. I think the State has been much more responsive in dealing with these issues at our level. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2301, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 649-10) recommending that H.B. No. 2370, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2370, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker. I rise in opposition to this bill. This is job-killer bill number 3 for the Session. It raises the rental fee from $1 a day to $4.50. My remaining remarks, may I put them into the Journal? Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 2250 [*sic*], Relating to Transportation. This bill is a job killer. It raises the rental motor vehicle customer facility charge to $4.50 per day from $1 per day. We can't afford the potential hit to our tourism industry.

"Generating additional funds to construct a new rental facility is a good goal. Airport renovation should be a priority, especially because of APEC in 2011. But we need to find the money elsewhere. This is a bad time to raise fees. We can't afford the potential hit to our tourism industry.

"This Legislature has used every excuse to raid funds this Session. There's no reason not to expect that the money this bill is supposed to generate won't be raided as well and just end up in the general fund instead of where it's supposed to go.

"For these reasons, Mr. Speaker, I oppose HB 2370."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2370, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Brower, Marumoto, Pine, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 650-10) recommending that H.B. No. 2604, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2604, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 651-10) recommending that H.B. No. 2667, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2667, HD 2, pass Third Reading, seconded by Representative Evans.

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

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

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

"All right Mr. Speaker, it seems that I'm compelled to speak on this Ferry bill. This is merely a study to determine the feasibility of the State or some other agency, a private, non-profit or other agency, operating the ferry throughout the State. So this is just the first step.

"We're a long way from having a ferry system in the State of Hawaii, even though I firmly believe that the State needs to be linked by a ferry, providing an alternative to travel for business, for pleasure, for families, and etc.

"And it's long overdue. This goes way back to, I believe to the '60s and '70s. In fact, our Finance Chairman's father, Bob Oshiro, a legend in the State of Hawaii, as a former Representative and leader, promoted the ferry years back. So did Senator Hulten, and it failed. But let's hope that now that we can carry on with this legacy to link the islands together through a ferry. Thank you very much, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just want to give a quick explanation on my reservations. Mr. Speaker, I think the only reservation that I have is, I agree with the statewide ferry system, but we had a private company that was here. Now we're looking at studying either doing it as the State or a

private company. And really, I just don't want it to end up being the State that has to do this and deal with this issue. Thank you."

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker I rise in support of this measure. This measure requires the Department of Transportation to conduct a study to determine the feasibility of establishing a statewide ferry system and a Hawaii State Ferry System Authority as the primary agency for oversight and regulation of the ferry system.

"Currently in Hawaii there is only one way to move people between the islands – air transportation. For cargo there is air transportation and slower moving barges. It is somewhat odd that a state whose counties and people are separated by the Pacific Ocean still does not have a form of water transportation system that can move people and goods in a quick, efficient, safe and economically feasible manner.

"When this measure was heard by the Finance Committee, numerous organizations and individuals opposed the concept of a state-run ferry system and sent in their comments stating such. However, many of those who opposed did so based on what occurred during the 2007 Hawaii Superferry fiasco. This measure requires DOT to study the feasibility of establishing a statewide ferry system before even implementing one. Just because a study is conducted does not mean a public system will be established. The study could also be a useful tool for the State or to a private company wanting to come in to establish a ferry business.

"Although not stated in the bill itself, if a ferry system is developed (either publically or privately), an EIS will be conducted to avoid what occurred with Hawaii Superferry back in 2007. It would be crazy not to conduct one.

"Finally Mr. Speaker, during the latter half 2007 and early 2008, the Hawaii Superferry attempted to provide the residents of Hawaii with high speed ferry service between Oahu, Maui, Kauai and the Big Island; however, it ran a foul due to the Administration's mis-ruling that allowed the company to commence operations prior to conducting an Environmental Impact Statement. The company eventually left the State due to its inability to operate and generate revenue while an EIS was being conducted. While we may never know if the Hawaii Superferry would have been a reliable mode of transportation or a profitable venture, we should not let that unfortunate experience be the final word on whether or not a ferry system should be implemented in the State.

"For the aforementioned reasons, I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2667, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 653-10) recommending that H.B. No. 2582, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2582, pass Third Reading, seconded by Representative Evans.

Representative Brower rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition. Mr. Speaker, there're a few moving parts on this bill, but basically my concern with this measure is if enacted, it could allow commercial vessel activity in some of our small boat harbors throughout Honolulu. And that means less recreational space for boating enthusiasts.

"Recreational boaters come from all over the State to participate in outdoor activities at these local harbors. We currently have empty commercial space in Honolulu that we can't fill. So why create more commercial slips at the detriment to residents who use these boating facilities and want the space.

"To start commercializing our small boat harbors means to start reducing our outdoor activity options for families, young people, and the boating lifestyle community. There are several small boat harbors throughout the State where commercialization currently isn't being threatened, but may soon be if bills like this begin to pass the House.

"Lastly on this measure, should commercialization happen to the Ala Wai Small Boat Harbor, this could determinately affect people who use Ala Moana Park for outrigger canoe races, and those are members of our community who come from all over the island of Oahu. They may have less freedom and activities to participate in because of commercialization. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Brower voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 657-10) recommending that H.B. No. 2306, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2306, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. In opposition, Mr. Speaker. It's not that I begrudge anybody getting paid the, I think its $230,000 to be Superintendent of Education. I'm sure there're several deserving people. But I just want to make sure that the Board of Education considers this a ceiling and then reward people for the work that they have done for their abilities, demonstrated abilities, rather than starting out with a very high salary, which we did in the case of the previous two Superintendents of schools.

"I think they did a pretty good job, but I think you just don't start out with a raise. We must keep in mind that $230,000 is quite a bit, and our Governor after pay cuts is making only $119,000. So that's my reservation."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thanks, Mr. Speaker. On Stand. Com. Rep. No. 657, I just have short comments in opposition. Mr. Speaker, the reason why I'm against this is not necessarily because of how much we want to pay the Superintendent or the next Superintendent. The issue to me is, we have teachers and we have principals in the system, as well as other employees of our State system who right now are under furloughs or pay cuts, and they have very important jobs. I think the morale is pretty low, and what we need to do is not give indication that we are willing to pay someone else a higher amount.

"The other thing is, there are examples such as HHSC, I think the position is called the Executive Director, someone below that position is actually stepping up, not getting paid the amount. They are working two positions, but not getting paid the salary of the Executive Director or whatever the position's name is. Not getting paid the higher amount.

"I think DBEDT also has that situation, and there're situations like that all over in State government. The Board actually approved not only the Acting Superintendent, but approved that that position would get paid the Superintendent's position cost.

"So when we're talking about these situations, we've got example after example of where people are just doing more work, their morale is low. And then we're going to go ahead and say, again under the premise or under the flag, that education is so important to us, which I believe all of us agree, that we're going go ahead and say you can make this certain amount and it's okay. Thank you."

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

"Thank you very much, Mr. Speaker. I guess in support. You know, this bill has been introduced in the past. It never went anywhere. I hear the concerns expressed by the Representative from Kahala-Kaimuki. As we well know, we set the statutory limit for the Superintendent nine years ago, going on ten, at $150,000. Then, when the new then Superintendent got the job, the Board, in their infinite wisdom, gave the Superintendent that salary. So as a result the Superintendent who just retired never got a raise because it was a statutory limit to that.

"I think it begs a larger question in our government, whether or not salaries should be set by law, should be set by some floating number that's tied to collective bargaining, or set by a salary commission of some sort. As you well know Mr. Speaker, directors and deputy directors, the Governor and Lieutenant Governor, and all of our salaries are set by a Salary Commission. Now whether or not the Superintendent and other similar positions in government should be set likewise I think is a debatable question that we should discuss.

"With that said, taking the current salary, I think we all know of the top 25 school districts in the country, the Superintendent of the State of Hawaii actually gets paid by far the lowest salary indeed. If you look to the State of Illinois, the top 10 superintendents in that State make over $300,000.

"And the argument that the Governor makes less, I frankly think is a specious one. The UH President makes more than the President of the United States. I mean, I don't know what the correlation to that is. And don't get me started about football coaches across the country. But that's beside the point.

"The point is that whether or not, if we want to attract someone that will do a great job in our public school system, whether or not that salary is a competitive one. And remember now, unlike the Governor or the President, this is someone that we want to recruit nationwide and hopefully we can get the best candidate. At that salary, I can assure you, it is not a competitive salary, and that old maxim that you get what you pay for may play itself out in this situation. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes Mr. Speaker, in opposition. You know that timing is everything and just as the timing of our pay raises was really a bad timing, I think it's really a bad time to be discussing such a large pay raise for the head of our education in the State of Hawaii.

"It's just that so many people in our districts are just suffering so much. And to hear that something like this is still being discussed to give a large pay raise to someone, whoever that may be, is just something that's hard to take for some of my constituents, I know that.

"As a place that has one of the highest foreclosures in the State, this is just something that they would rather us not be talking about right now. They'd rather us be focusing on how to help them keep jobs, and perhaps to help them to keep their homes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2306, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Awana, Cabanilla, Ching, Finnegan, Marumoto, McKelvey, Pine, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 659-10) recommending that H.B. No. 2670, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Cabanilla voting no.

At 5:04 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2301, HD 2
H.B. No. 2370, HD 2
H.B. No. 2604, HD 2
H.B. No. 2667, HD 2
H.B. No. 2582
H.B. No. 2306, HD 2
H.B. No. 2670, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 660-10) recommending that H.B. No. 2318, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2318, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker. Very briefly. I'm in opposition to this, Mr. Speaker. It again proposes to raise the Conveyance Tax on homes, and homes are so expensive in Hawaii. Yes, this is targeted at the top tier of homes, but it's blank so I don't know where the ax will fall. I could assure you, I'm sure my folks in Kaimuki even have million dollar lots because of the favorable location. I just think we raised the conveyance tax enough last year. We're doing it this year, and what's going to happen next year. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm also in opposition and I'll try to keep it short since I know it's late. Thank you. We're experiencing a period of unprecedented economic difficulty. Everyone in this building I suppose wants to help the homeless. Everyone is this building understands the pain they go through, especially homeless children.

"And I'm understanding that we, as government, need to provide some help. But one of the best resources that help the homeless and help our State are those that give to philanthropy, philanthropists.

"Different studies have stated that between 60% and 80% of all charitable donations come from those who are making $200,000 a year. And if you want to see what the effect this kind of tax increase has, look to New Jersey. A study by Boston College's Center on Wealth and Philanthropy, *Migration of Wealth from New Jersey*, looked at this from 1999 to 2008. It found out in the decade's first half, New Jersey experienced substantial increase in both household wealth and charitable capacity, otherwise known as expected giving. And during those years the Garden State enjoyed a $98 billion net influx of capital due to those households moving to the State. Enjoying again a corresponding $881 million increase in charitable capacity.

"It was blooming. The Garden State was blooming. The trend then reversed. From 2004 to 2008, author John Havens found a large decline in the number of wealthy households that entered New Jersey, as well as a moderate increase in outflow of those households. A net decline of $70 billion of wealth and expected giving left. A net outflow of $1.132 billion.

"So what happened? The study doesn't purport to explain the wealth movement but the State's most notable economic policy that year was the increase targeted at the wealthy. Similar types of taxes, sending them that way.

"Mr. Speaker, we tax these charitable people that give a lot to those things we enjoy, and now more than ever for those non-profits, we need their help. We need their help. So we just again I'm hoping that our message is not that we don't want their help."

Representative Har rose in opposition to the measure and asked that the remarks of Representatives Marumoto and Ching be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Yes, can I have a ruling on a potential conflict? I occasionally work for a homeless shelter. Thank you," and the Chair ruled, "no conflict."

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support of HB2318. Housing first programs have been successful in many cities across the nation. The concept is to get homeless persons into decent housing first, and then address the problems they might have with alcohol, drug use or other social diseases. This method gives the person a sense of identity, security and dignity from which they can work towards solving their problems.

"Sometimes problems may arise with the location of such housing and as happened in Honolulu. Neighbors may protest. However, the concept is worth a try, as what we are doing now is clearly not working. A pilot project that demonstrates positive results may change people's minds. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2318, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Third Reading by a vote of 33 ayes to 16 noes, with Representatives Berg, Brower, Ching, Coffman, Har, Keith-Agaran, C. Lee, Luke, Manahan, Marumoto, McKelvey, Nishimoto, Pine, Takai, Ward and Wooley voting no, and with Representatives Bertram and Finnegan being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 661-10) recommending that H.B. No. 2250, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2250, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. Thank you. We don't often speak against uniform bills, but this one has some big problems. Nearly half of the states have declined to pass this uniform legislation and I'll explain way.

"The Uniform Child Abduction Prevention Act was originated to address the issue of international abductions to non-Hague countries. I think that many of us have a passing familiarity with cases that have made national news.

"But the problem is that during the drafting process, amendments were added and the final version promulgated by the Uniform Law Commission back in 2006 was expanded to address both domestic and international child abductions. That increase in the scope of the uniform law and the ability for abusive spouses to use this law to their advantage is my reason for opposition to this bill.

"I'm going to insert comments from a local physician, who practices on King Street. He said:

"For almost 10 years I've watched my wife, who left an abusive marriage back in 2000, struggle even now to keep the kids and herself safe from her obsessed ex-husband. I'll tell you exactly what's going to happen if you allow this bill to go through. You'll see a bunch of wife beaters and child abusers asking for this petition to "prevent abduction." They'll have sad and convincing stories and their wives will all be mentally ill, a danger to their children and a flight risk. This is just another way for the wife beaters to mess with their wives who left them for good reason. But the judges aren't going to look at that - they'll focus on the petitioner because "he has rights" and he'll be there filing this petition. Then they're going to issue a warrant to take physical custody of the child and be allowed to make a forcible entry at any hour to do this? Grabbing kids from their beds in the middle of the night. And it does not help the parent who is trying to keep the child safe from abuse."

"Section 7 of the Act lists out the factors that the court must consider in determining whether there's a credible risk of abduction of a child. Granted, during the intent of the Uniform Law these factors may appear benign, but look at these factors from a real life perspective.

"The perspective of an abused spouse, a spouse that fears for her life, and the life of her child. Factors viewed from the perspective of the abused and perspective spouse are not so benign. For instance, if the abused spouse is not originally from Hawaii, they may certainly, "lack strong familial, emotional or cultural ties to Hawaii." That certainly would be the case if the abusive spouse prevents the abused spouse from having friends, going out, etc., to exercise control over the abused spouse.

"An abused wife originally from out of state will be doubly impacted because it's also likely that that wife has family or some property in another state giving them, and I quote, "strong familial, financial, emotional, or cultural ties to another state." Which are another set of factors that the court is mandated to review.

"Another dynamic may be that the abused wife has tried to escape the abusive situation with the child, only to be stopped by the controlling abusive husband. Absent a divorce or emancipation orders, spouses, abusive or otherwise, have custodial rights to a child. Because of the custodial rights, attempted flight …"

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Thank you. Attempted flight in the situation described above would be treated as an abduction by the definitions of this Act and previous attempts to escape or previous threats to escape will be held against the abused wife.

"Also under this Act, seeking to obtain the child's birth certificate, school, or medical records can be viewed as indicative of a planned abduction. And these are activities that parents engage in all the time.

"Not all uniform laws are good laws and that's why just as many states have declined to adopt this Uniform Law as adopted it. I received numerous emails from women who have had this used against them. And while we're trying to do something positive, I say instead that what this Uniform Law does, actually allows abusive husbands to use this against their abused wives and take the children away from those women.

"I would ask all of us to look at this. I wish the Women's Caucus had weighed in on this much earlier. I don't think the bill would have made it to the Floor, if we had. That those of us who are in the Women's Caucus I hope would look at this bill and realize that this is not what we should do. To put these abused women and their children at risk. And let the perpetrators of that abuse take those children away using this law. Thank you, Mr. Speaker."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. She's not looking at you. She's instead looking at me."

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this bill is to enact the Uniform Child Abduction Prevention Act, which was designed to determine the risk of a child being abducted by a parent, and establishes measures to prevent abductions before and after child custody determinations. Under this Act, courts are authorized to issue an abduction prevention order to, among other things, limit travel, or restrict visitation, and issue a warrant to take physical custody of the child. Thank you."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I would like to speak in support, with some concerns. The objective of the Uniform Child Abduction Prevention Act is simple: to prevent abduction of children by a parent or others acting with them. Child abduction is a serious problem and according to the National Center for Missing and Exploited Children, in 1999 more than 260,000 children were abducted. 78% of these children were abducted by a family member.

"I think all of us remember the case of the boy that was taken by his mother to Brazil. After she died, there was a problem of his father getting him back. Families going through custody disputes and divorce proceedings are the highest risk group for potential abduction.

"What I'd like to bring to the attention of the Members and to you Mr. Speaker, is that I've learned the Uniform Law Commission understands the concerns of domestic violence advocates and they are working with local advocates to add language used in other states to assuage this problem.

"And so I think this is a work in progress. I think it's a worthy issue and that we should let it continue and see how it works out into this Session. If there are the concerns that the Representative from Kailua brings up, then that will certainly be addressed. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition and I would just like to have the words of the Kailua Representative taken as my own since she expressed her argument very well. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you Mr. Speaker. In support with reservations. My reservation is that we have not heard from the Missing Children Clearinghouse on this bill. And they're the ones that deal with this issue on a day-to-day basis. I have served on their Board. My wife currently serves on their Board. They're attached to the Attorney General, and the Attorney General said that they could not testify at the hearing. Thank you."

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, in support. If I could have the words from the speaker from Mililani as my own. And to say that it is a work in progress, but we're looking for them to get to an agreement. Thank you, Mr. Speaker."

Representative Thielen rose to respond, stating:

"My second time, Mr. Speaker. Thank you. Mr. Speaker, I would like to have permission to insert in the Journal a statement from the Hawaii State Coalition Against Domestic Violence, which is in full opposition to House Bill 2250, House Draft 1.

"Mr. Speaker, they're stating again their concern that the impact that this bill may have on victims of domestic violence who are attempting to protect themselves and their children by fleeing an abusive partner. Why would we go ahead with something that could help those abusers take children away from the abused wife? Thank you. And if I may have your permission to insert that in the Journal? Thank you."

Representative Thielen submitted the following remarks:

"TO: Chair Karamatsu, Vice Chair Ito and Members of the Committee

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Tuesday, February 9, 2010 at 2:30pm

RE: Opposition to HB 2250 HD1: Relating to the Uniform Child Abduction Prevention Act

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV opposes HB 2250 HD1

While the HSCADV understands the intent of this bill, we have some serious concerns about the impact that this bill may have on victims of domestic violence who are attempting to protect themselves and their children by fleeing an abusive partner. Several studies have shown that many men who abuse their wives, also abuse their children. Additionally, batterers have consistently learned how to utilize the judicial system and child custody proceedings to continue to terrorize and abuse their partners.

Currently, HB 2250 HD1 lists several factors to be used in determining whether there is a credible risk of abduction, including a previous abduction, attempted abduction or threatened abduction (page 5, lines 15-17). Victims of domestic violence often flee from their abuser several times during the course of an abusive relationship, staying at emergency shelters or with friends and family. Under the current proposal, if a woman flees with her children to escape domestic violence, this action could later be used against her if her batterer argues that when she fled the abuse she abducted the children by leaving without his permission.

Another concern that the HSCADV has is the listing of activities that may indicate a planned abduction. The list includes, abandoning employment, terminating a lease or selling a house, certain financial transactions including closing or changing bank accounts, and obtaining medical and school records. These activities all describe typical actions of a victim of domestic violence who is leaving her abuser and seeking safety for herself and her children. Oftentimes, a woman must change her entire life, including where she lives, works, does errands, and where her children attend school, in order to remain safe from her abuser.

Additionally, while there is a provision in this bill that requests the court to consider "evidence of domestic violence, stalking or child abuse or neglect," it does not specify what evidence would be considered sufficient. Many victims of domestic violence do not seek medical attention, file police reports, or have other such supporting documentation. Many times they are too scared or embarrassed to seek help from professional or governmental organizations, and so the domestic violence goes undocumented.

Finally, victims of domestic violence may appear to be un-compliant with a custody order, which, in the current bill, is also a determinate of whether there is credible risk of abduction. While we recognize that non-compliance with custody and visitation orders is a problem, batterers have historically used visitation exchanges and custody issues to continue to abuse their former partners. A woman who is a victim of domestic violence may appear to be non-compliant, when instead she is simply attempting to protect herself and her children from further abuse.

We feel that this bill could negatively impact victims of domestic violence and their children, while unintentionally providing batterers with another opportunity to utilize the court system to further abuse their former partner.

Thank you for the opportunity to testify."

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

"Thank you, Mr. Speaker. I just want to note my strong reservations on this bill. Thank you."

Representative Mizuno rose in response, stating:

"Mr. Speaker. In defense of this measure and in support. In defense of this measure, at the Human Services hearing, I did talk to the representatives for the Victims of Domestic Violence and we asked them to come up with something to work with the stakeholders, the ones that supported this measure. Unfortunately, we didn't get anything back. It's our understanding that they are trying to work with them, but the clock was ticking and I had to move it out of Committee. So I support this measure and I'm hopeful that they will work together on a clean bill. Thank you, Mr. Speaker."

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

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in favor of the measure which seeks to establish a uniform child abduction prevention law.

"Uniform laws are established to make interstate legal proceedings more efficient and to apply the same standards across the States. The Commission on the Uniform Laws is aware of the concerns expressed by the domestic violence advocates and intends to work with them to create acceptable language. This bill has an important place in the arsenal of laws to protect children, especially from international abduction.

"I am hopeful the concerns will be resolved and support its passage to the Senate."

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

Representative Belatti's written remarks are as follows:

"I rise in support, but with serious reservations for HB 2250, HD 1. Although House Bill 2250, HD1 appears to have a noble purpose of preventing child abductions, concerns raised by the Hawaii Family Forum, the Roman Catholic Church, and the Hawaii State Coalition Against Domestic Violence raise serious questions about the bill's unintended consequences such as the criminalizing of ordinary parenting acts, impeding parents' right to travel between or even within states, and the use of this proposed measure to harass victims of domestic violence.

"Another pause for concern is the noticeable absence of testimony from the Prosecutor's Office, the Office of the Public Defenders, and family law practitioners who would have specific insights into whether current laws adequately address abduction cases. Finally, the fact that only eight states have enacted this uniform law since its promulgation in 2006 suggests that this uniform law may not be a good fit with our current laws governing child custody. For these reasons, while I support the intentions of HB 2250, HD1, I am hopeful that as it continues through the legislative process, these concerns will be addressed before final passage of this bill."

Representative Ward rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 2250, Relating to the Uniform Child Abduction Prevention Act. The bill is well-intentioned, but problematic. It flags common and ordinary parental acts as risk factors for child abduction and makes it harder for domestic abuse victims to escape from their abusers and protect their children.

"A parent picking up his or her child's school records, medical records or birth certificate gets flagged as a potential child abductor, based on this bill. Things like quitting or being fired from a job, or closing a bank account are ordinary. And some factors, like a lack of strong emotional ties to Hawaii, are not well defined.

"Other factors can get women escaping from abusive husbands into legal trouble and make it harder for them to protect their children. The bill's factors to determine risks of abduction list everything that registrants in the Social Security Administration's "New Numbers for Victims of Domestic Violence" program are advised to and must do. Going through a government approved and sanctioned Identity Change Program for domestic violence victims would flag those victims as potential child abductors.

"For these reasons, Mr. Speaker, I oppose HB 2250 HD1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Berg, Ching, Marumoto, McKelvey, Pine, Thielen and Ward voting no, and with Representatives Bertram and Finnegan being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 662-10) recommending that H.B. No. 2091, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2091, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Finnegan being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 663-10) recommending that H.B. No. 2774, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2774, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Finnegan being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 665-10) recommending that H.B. No. 1205, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1205, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TAX INCREMENT BONDS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Thielen voting no, and with Representatives Bertram and Finnegan being excused.

H.B. No. 1205, HD 1, passed Third Reading in the following form:

H.B. No. 1205, HD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TAX INCREMENT BONDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose amendments to the Hawaii Constitution to expressly provide that the legislature may authorize political subdivisions, such as the counties, to issue tax increment bonds.

The legislature recognizes that the definition of "tax increment bonds" under this Act is broader than the conventional definition. The legislature has purposely broadened the definition to provide political subdivisions with flexibility in the use of tax increment bonds for financing infrastructure and other improvements. Under the conventional definition, the debt service on tax increment bonds is payable from the real property tax revenues derived from the incremental increase in real property value resulting from the construction of infrastructure.

This Act broadens the definition of "tax increment bonds" to also include those bonds, the debt service of which is payable from the real property tax revenues derived from the incremental increase in real property value resulting from county action, such as the rezoning of an area.

SECTION 2. Article VII, section 12, of the Hawaii Constitution is amended to read as follows:

"**DEFINITIONS; ISSUANCE OF INDEBTEDNESS**

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or

b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "tax increment bonds" means all bonds, the principal of and interest on which are payable from and secured solely by all real property taxes levied by a political subdivision, for a period not to exceed years, on the assessed valuation of the real property in a tax increment district established by the political subdivision that is in excess of the assessed valuation of the real property for the year prior to the undertaking of specified public works, public improvements or other actions by the political subdivision within the tax increment district.

[~~9.~~] 10. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes [~~and~~], revenue bonds and tax increment bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing, or industrial enterprises;

2. Utilities serving the general public;

3. Health care facilities provided to the general public by not-for-profit corporations;

4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;

5. Low and moderate income government housing programs;

6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities; or

7. Agricultural enterprises serving important agricultural lands,

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special

purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

SECTION 3. Article VII, section 13, of the Hawaii Constitution is amended to read as follows:

"**DEBT LIMIT; EXCLUSIONS**

Section 13. General obligation bonds may be issued by the State; provided that such bonds at the time of issuance would not cause the total amount of principal and interest payable in the current or any future fiscal year, whichever is higher, on such bonds and on all outstanding general obligation bonds to exceed: a sum equal to twenty percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance until June 30, 1982; and thereafter, a sum equal to eighteen and one-half percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance. Effective July 1, 1980, the legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance. Any bond issue by or on behalf of the State may exceed the debt limit if an emergency condition is declared to exist by the governor and concurred to by a two-thirds vote of the members to which each house of the legislature is entitled. For the purpose of this paragraph, general fund revenues of the State shall not include moneys received as grants from the federal government and receipts in reimbursement of any reimbursable general obligation bonds which are excluded as permitted by this section.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in each political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision that is outstanding and unpaid at any time.

All general obligation bonds for a term exceeding two years shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installments of both principal and interest. The first installment of principal of general obligation bonds and of reimbursable general obligation bonds shall mature not later than five years from the date of issue of such series. The last installment on general obligation bonds shall mature not later than twenty-five years from the date of such issue and the last installment on general obligation bonds sold to the federal government, on reimbursable general obligation bonds and on bonds constituting instruments of indebtedness under which the State or a political subdivision incurs a contingent liability as a guarantor shall mature not later than thirty-five years from the date of such issue. The interest and principal payments of general obligation bonds shall be a first charge on the general fund of the State or political subdivision, as the case may be.

In determining the power of the State to issue general obligation bonds or the funded debt of any political subdivision under section 12, the following shall be excluded:

1. Bonds that have matured, or that mature in the then current fiscal year, or that have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year, or for the full payment of which moneys or securities have been irrevocably set aside.

2. Revenue bonds, if the issuer thereof is obligated by law to impose rates, rentals and charges for the use and services of the public undertaking, improvement or system or the benefits of a loan program or a loan thereunder or to impose a user tax, or to impose a combination of rates, rentals and charges and user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair, if any, of the public undertaking, improvement or system or the cost of maintaining a loan program or a loan thereunder and the required payments of the principal of and interest on all revenue bonds issued for the public undertaking, improvement or system or loan program, and if the issuer is obligated to deposit such revenues or tax or a combination of both into a special fund and to apply the same to such payments in the amount necessary therefor.

3. Special purpose revenue bonds, if the issuer thereof is required by law to contract with a person obligating such person to make rental or other payments to the issuer in an amount at least sufficient to make the required payment of the principal of and interest on such special purpose revenue bonds.

4. Bonds issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

5. Tax increment bonds, but only to the extent that the principal of and interest on the bonds are in fact paid from the real property taxes levied by a political subdivision on the assessed valuation of the real property in a tax increment district established by the political subdivision that is in excess of the assessed valuation of the real property for the year prior to the undertaking of specified public works, public improvements or other actions by the political subdivision within the tax increment district.

[~~5.~~] 6. General obligation bonds issued for assessable improvements, but only to the extent that reimbursements to the general fund for the principal and interest on such bonds are in fact made from assessment collections available therefor.

[~~6.~~] 7. Reimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year.

[~~7.~~] 8. Reimbursable general obligation bonds issued by the State for any political subdivision, whether issued before or after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State for the payment of principal and interest on such bonds is required by law; provided that in the case of bonds issued after the effective date of this section, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period that such bonds are excluded by the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

[~~8.~~] 9. Bonds constituting instruments of indebtedness under which the State or any political subdivision incurs a contingent liability as a guarantor, but only to the extent the principal amount of such bonds does not exceed seven percent of the principal amount of outstanding general obligation bonds not otherwise excluded under this section; provided that the State or political subdivision shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State or political subdivision as provided by law.

[~~9.~~] 10. Bonds issued by or on behalf of the State or by any political subdivision to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or

failures of revenue, if required to be paid within one year, and bonds issued by or on behalf of the State to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God.

The total outstanding indebtedness of the State or funded debt of any political subdivision and the exclusions therefrom permitted by this section shall be made annually and certified by law or as provided by law. For the purposes of section 12 and this section, amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

Nothing in section 12 or in this section shall prevent the refunding of any bond at any time."

SECTION 4. The question to be printed on the ballot shall be as follows:

"Shall the Constitution be amended to expressly provide that the legislature may authorize the counties to issue tax increment bonds?"

SECTION 5. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 6. This amendment shall take effect on July 1, 2020.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 668-10) recommending that H.B. No. 2429, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Finnegan being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 669-10) recommending that H.B. No. 2937, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2937, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Ching, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Bertram and Finnegan being excused.

At 5:25 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2318, HD 2
H.B. No. 2250, HD 1
H.B. No. 2091, HD 1
H.B. No. 2774, HD 2
H.B. No. 1205, HD 1
H.B. No. 2429, HD 1
H.B. No. 2937, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 671-10) recommending that H.B. No. 2845, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2845, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Hanohano and Keith-Agaran voting no, and with Representatives Bertram, Finnegan and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 672-10) recommending that H.B. No. 2752, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2752, HD 3, pass Third Reading, seconded by Representative Evans.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2752, HD3. This bill enacts the recommendations of the Ignition Interlock Task Force made pursuant to Act 171, Session Laws of Hawaii 2008.

"Act 171 was the result of House Bill 3377, a bill I introduced in 2008 after I was hit head-on by a drunk driver. An ignition interlock is a breathalyzer device that is attached to the ignition of the vehicle of a convicted drunk driver. In order to start his or her vehicle, the driver must blow into the device, and if the driver is over the legal blood alcohol content limit, the car will not start. A small camera ensures that the offender does not tamper with the device or have someone else blow into it. Act 171 provided the basic framework for an ignition interlock system in Hawaii and created a task force to address the implementation and administration of the program. The recommendations of that task force, of which I was a member, were incorporated into House Bill 981 in the 2009 Session, which was signed into law as Act 88, Session Laws of Hawaii 2009. House Bill 2752, HD3 will make final changes that will allow ignition interlock to go into effect in 2011.

"Through my personal experience, and because of the stories I've heard from countless people throughout the State about the devastating effects of driving under the influence, I believe strongly that this bill will make a significant difference and save lives. By increasing our options and enforcement methods against drunk driving – such as revoking driver's licenses for at least a year, requiring the installation of an ignition interlock device on any vehicle operated by the person, with the cost of installation, maintenance, and calibration paid for by the offender, and requiring community service work, prison time, and a fine – we send a message that drunk driving is an incredibly serious offense, even in those cases where no innocent bystanders are harmed.

"Vehicle ignition interlock systems are not a new highway safety concept – currently, only three states do not have ignition interlock laws. Because Hawai'i has the highest percentage of alcohol-related fatalities in the United States, the final implementation of ignition interlock through this bill is critical to further change the perception that drunk driving is at all acceptable. We must all accept individual responsibility by drinking within legal limits and urging others to do the same. The ignition interlock program will force people to think even harder about the daily consequences of driving under the influence – and will consequently save lives. That is why it is imperative to support this bill. Thank you, Mr. Speaker."

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

"Thank you. I am in support with reservations. I think that there is some objectionable language about the exceptions for driver's license sanctions for minors who violate the underage drinking statute. The words added, 'for other reasons when lack of alternative transportation presents an undue hardship,' may be a loophole that a teenager could drive through.

"So I think it essentially gives kids *carte blanche* to drive anytime, anywhere. They just have to come up with a reasonable excuse. They can already receive exceptions for driving to school and school-related activities, and employment.

"So I am a little concerned about this amendment, which applies to minors even with learning permits, provisional license, or full license. I

will be watching this particular measure very carefully as it moves through the Session. Thank you."

Representative Karamatsu rose and stated:

"Mr. Speaker, that bill is actually going to be on the next page. That is House Bill 2905."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support with reservations to H.B. 2752 H.D 2- which prohibits an individual from circumventing or tampering with the ignition interlock system if they are restricted to operate a vehicle with system.

"The ignition interlock system started as a Minority Caucus initiative. This is an important measure due to the Hawaii statistics that show how Hawaii has one of the highest rates in the Nation for fatalities due to inebriation and intoxication. I agree with the Department of Transportation that the passage of this measure is crucial, as it, "provides the missing details needed for the implementation" of Hawaii's ignition interlock program. Thank you."

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

"In strong support Mr. Speaker. In this Chamber we have passed a lot of legislation aimed at drunk driving and increased penalties, but as you see we still have a lot of casualties because of drunken driving. It's time to implement measures like this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2752, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes, with Representatives Bertram, Finnegan and Sagum being excused.

At 5:28 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2845, HD 1
H.B. No. 2752, HD 3

THIRD READING

H.B. No. 674, HD 1:

Representative B. Oshiro moved that H.B. No. 674, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to HB 674, Relating to Hawaiian Affairs. Mr. Speaker, this bill crosses the line between this Body and the Office of Hawaiian Affairs. It sets a dangerous precedent of our reaching over into OHA's affairs, particularly to the core of their affairs, their budget. It tells them which projects that they are going to administer. It steps aside of their vetting process. It sets aside their strategic plan. It neuters the OHA Board of Trustees, which I had seen Oz Stender come earlier to see what we're up to.

"And lastly Mr. Speaker, this could have not only a repercussion for how we deal with them, vis-à-vis the Akaka Bill in the future, but it's a part that we may not even be doing justice to the beneficiaries. Do we know what their priorities are? Do we know better than OHA what the Hawaiian people need, if that's the reason why OHA is there? Office of Hawaiian Affairs. This Body is the office of many affairs, and many people, but yet we're reaching over and telling them what to do. I think it's a very dangerous precedent. What we might be accomplishing by doing this, I think, we are going to lose by its outcome. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Berg, Marumoto and Ward voting no, and with Representatives Bertram, Finnegan and Sagum being excused.

H.B. No. 2587:

Representative B. Oshiro moved that H.B. No. 2587, pass Third Reading, seconded by Representative Evans.

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

"Thank you. Quickly Mr. Speaker, I do rise in strong support for this measure, changing the Father Saint Damien Day from April 15 to the 10th of May. You know Mr. Speaker, Saint Damien is one of those icons of our State history. His selfless act of aiding and giving of his life for the people is one of the inspirational stories of Hawaii. And his legacy of commitment, compassion and sacrifice would be honored on this day.

"But his accomplishments on this day will also serve to remind us of the Catholic legacy, of which my district is known. Many may not know that Chieftess Liliha was a supporter of the Catholic faith and that her husband Chief Boki, Premier Governor of the Island of Oahu, was the first baptized Catholic ever in the Kingdom of Hawaii.

"Catholicism has been able to survive through great difficulties. It has many accomplishments, especially the establishment of the St. Louis High School, Cathedral School in my district, St. Francis Hospital, and the Catholic Charities which is also in my district. We're very proud in the community and Hawaii has much to be proud of. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2587, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Third Reading by a vote of 48 ayes, with Representatives Bertram, Finnegan and Sagum being excused.

H.B. No. 1868, HD 1:

Representative B. Oshiro moved that H.B. No. 1868, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, this is about civil service. In particular it's about turning political appointees away, after they've served in their State position, they have to refrain from going back to being civil service. They have to wait out for one year.

"The basic premise here is that they have been political, therefore if they're politicized, we will not use their skills. We will in effect 'dumb down' government by turning away these who are the best and the brightest. It rejects them to go back to their previous civil service jobs as with the very pertinent case in point, Dr. Pearl Iboshi.

"She is now in the position of being the Deputy Director of DBEDT. She had served as the State Chief Economist since 1995. She's been a member of the Council on Revenues since 1997. She has a B.A. Degree from Iowa, a Masters Degree from Hitotsubashi University in Tokyo, and a PhD from the University of Hawaii. If this bill was in effect Mr. Speaker, after she gets out of the Deputy Director position in November, she could not go back to being the Chief Economist at DBEDT.

"Why would we want to do that? She's got a wealth of information, she's an archive of knowledge and she's a very educated, intellectual person. Do we want to cripple government by passing this for somebody who is either thin skinned, or somebody who doesn't like the Administration, or

somebody who says, 'We're going to get back at you through a bill like this?'

"I just don't think it's productive because governance is important. And governance is people and the better the people, the better the government. So this bill doesn't make any sense to me, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Pine, Souki, Thielen and Ward voting no, and with Representatives Bertram, Finnegan and Sagum being excused.

At 5:35 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 674, HD 1
H.B. No. 2587
H.B. No. 1868, HD 1

H.B. No. 415, HD 2:

Representative B. Oshiro moved that H.B. No. 415, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you Mr. Speaker, I rise with strong reservations. Mr. Speaker, we are experiencing a period of unprecedented economic difficulty. This bill directs the Auditor to conduct a financial management audit of the Department of Public Safety's contract with Corrections Corporation of America and the Federal Detention Center. The Auditor is also directed to address the closure of Kulani Correctional Facility.

"With all due respect, we have our families experiencing Furlough Fridays, losing their jobs, being laid off. Inmates are in prison for a reason. They're usually in prison because they broke the law. While in prison they receive three square meals a day. They receive medical care. They are offered a chance at continuing education, not to mention a playroom, cable tv, among other amenities not afforded to so many of our taxpaying citizens who work so hard, if they have a job in this community.

"They're working hard simply to put food on the table. We are in unprecedented times. We have so many challenges that face each person in our state. The hardworking people that are being laid off are probably questioning, who is the priority of this Legislature. And why do law-abiding taxpaying citizens who struggle to make ends meet seem to not be at the top of our list.

"Being realistic, I don't think there's a Neighborhood Board member in our community or any resident who wants a prison built in their own backyard. Because Hawaii has so little land, what we do have is very expensive land and therefore our costs are very high. I just don't think we can afford to build another prison in our islands which will affect our quality of life.

"Is this bill necessary? The audit is directed to focus on the quality of programming costs, economic benefit to the State by housing Hawaii inmates at mainland facilities or at our local facilities. But according to the Department of Public Safety, it actually costs the State of Hawaii approximately $139 to house an inmate in Hawaii, yet only $66 to $68 dollars to house them on the mainland. So based on these figures I don't think we can afford to bring back inmates who are currently serving their sentences on the mainland.

"In addition, the scope of services is and has been available for anyone to review by simply accessing the Department's website which offers transparency in its Department. You can look up all these facts.

"So what is the real reason for this audit? Is it really to reunite inmates with their families here? What about our law-abiding citizens who are forced to move away to find jobs? Is the State willing to pay for them to be reunited? I just think that it's a time for priorities, Mr. Speaker. I understand the cultural values. I understand we want to make sure that people are taken care of, but first things first. Thank you."

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

"Thank you Mr. Speaker, on Stand. Com. Rep. No. 490, HB 415, with reservations. Thank you Mr. Speaker, I understand this purpose of the bill is to request the financial and management audit of the Department of Public Safety's contracts with Corrections Corporation of America and the Federal Detention Center in Honolulu.

"Mr. Speaker, I'm going to support it with reservations and my reservations are the money, the cost that it would take to do the comprehensive financial and management audit. But I also want to state, Mr. Speaker, when an audit is needed because maybe there are some questions, or you want to find out more information, I think it's okay to ask for an audit. Right now is not a good, opportune time because of our budget situation.

"But I also want to say, Mr. Speaker, because of the money I believe that the comprehensive financial and management audit for the DOE is a resolution now. And that with the many different reasons for having a comprehensive financial and management audit, I believe, if anything, should be moving forward in a more substantive way. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representatives Ching and Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 415, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

H.B. No. 2288, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2288, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Third Reading by a vote of 51 ayes.

H.B. No. 2905, HD 1:

Representative B. Oshiro moved that H.B. No. 2905, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I spoke out of turn on the previous page. May I have my remarks with reservations from Stand. Com. Rep. No. 672 refer to this bill before us. Thank you," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. This is on House Bill 2905. The previous speaker spoke on this earlier. In support. In 2006 the Legislature passed Act 203, the Use and Lose Law. When minors were caught violating the State liquor laws, this law called for the mandatory suspension of their driver's license, one of their most prized possessions. That law is recognized as a very effective deterrent because it makes our young people think twice before drinking.

"Now this Session, your Committee on Consumer Protection and Commerce received House Bill 2905 which set out to amend the 'Use and Lose Law' to give law enforcement and the courts more tools to reach those minors who do not drive or have no desire to drive. In this bill

however the original language in that bill eliminated the provisions in the law that mandated license suspension, giving courts the option to issue fines instead.

"We received a lot of opposition from the Administration, law enforcement, community groups like MADD seeking to maintain the strict penalties in the existing law. We therefore amended the bill so that license suspension is still mandatory, however the draft before you gives courts the option to issue additional fines and additional hours of community service beyond the 75 hours already required by law.

"There are other provisions in the original draft we retained. One is the creation of a fund for the counties for underage drinking programs. We believe this is to be an additional, non-punitive approach in reaching out to these kids so that they can make responsible decisions for the right reasons.

"The fund would be financed by 50% of the revenue collected by the additional optional fines. Also the existing law gives the courts the discretion to grant exceptions to license suspension per, and I quote, "school, school related activities, and employment."

"In this draft we permitted the courts to consider, and I quote, "other reasons when lack of alternative transportation presents an undue hardship." There may be situations where for example, families in rural areas rely on the minor to drive to and from the hospital, or when the minor must drive to counseling for themselves. We believe the courts are in the best position to make this determination on a case-by-case basis. And to the 35 of you that live on this island. Many of you don't have a clue as to what it's like in the rural areas where there is no transportation. And so we're just giving the courts this option.

"We also kept in this draft the provision that makes it illegal for minors to use a fake ID for any one of the '21 and over' establishments, like bars and clubs. Your CPC Committee believes this draft creates harsher consequences for a minor's decision to use alcohol and we recommend its passage. Thank you."

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

Representative Aqunio's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in favor of House Bill 2905 HD1. The purpose of this bill is to strengthen the enforcement of liquor laws by making several changes.

"The proposed legislation makes it a violation for a minor to use false identification to gain access to bars, nightclubs, and other venues where minors are not allowed; establishes fines for these violators; and revenues generated would fund underage drinking efforts in all counties of our State.

"I believe that having these proposed components inserted into current laws would help deter the underage drinking problems we all face in our communities. Although it may not be the cure-all solution to this issue, I feel that this is a step in the right direction. It helps them to make good decisions, therefore paving the way for responsible, future generations. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Har voting no.

S.B. No. 771, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 771, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition to this bill. Thank you. First of all I want the Body to note that this bill does not have any flaws in it. It's a Senate Bill, so this is maybe the only opportunity for us to vote on this measure.

"But I want to refer back to testimony by the Appraisal Institute, Hawaii Chapter, and they testified in opposition against this bill. They said that an arbitrator does not serve the same function as an appraiser. Appraisers may act as arbitrators. However, when they are acting as arbitrators, they are undertaking an arbitration process and not an appraisal process.

"The letter goes on to cite a federal case in district court in *Wong vs. Chalmers* where the court said, 'As an initial matter the court rejects KUA's arguments that the defendants disregarded the law by not following the professional standards for appraisers. The court finds that these guidelines do not govern the arbitration proceeding because here Hallstrom, Holton, and Vernon were acting as arbitrators, not appraisers. The fact that the arbitrators were required to be licensed appraisers is immaterial here.'

"So in this bill what we're doing is we're confusing the role of an arbitrator with the role of an appraiser. My suggestion is to vote this bill down."

Representative Belatti rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in strong opposition to SB 771, HD1. This bill is an attempt to undermine the arbitration process which governs highly contentious disputed rent negotiations for commercial properties. At the heart of the arbitration process is the attempt to resolve divergent appraisals that are already based upon standards that this bill would impose on the arbitrators who are acting as judges or referees between the two conflicting parties. By confusing the difference between arbitrators and appraisers in this process and seeking to impose the proposed standard upon arbitrators, this bill will further increase the cost of the alternative dispute resolution process that is presently cheaper than costly litigation in the courts. To fix something that is not broken would be folly, and it is for these reasons that I oppose this bill."

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

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

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

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

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

Representative Finnegan rose and stated:

"Thank you Mr. Speaker, I'm going to withdraw my reservations and change it to a 'no' vote."

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

"Yes, Mr. Speaker, I'm for the measure. As a former appraiser I believe that some uniformity is very important and that includes when you go into the arbitration process. Otherwise you would be comparing apples and oranges. You're going to have an appraiser who's schooled in appraising with the uniform appraisal system, and you're going to have an arbitrator who's not familiar with that at all. So I believe they'll provide some

inconsistency over there. So for consistencies sake, for some uniformity, I think this bill merits approval. Thank you."

Representative Saiki rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure. My concerns are three-fold. First, there is little understanding of how application of the Uniform Standards of Professional Appraisal Practice will impact lease renegotiation arbitrations. Second, it is unclear to what extent this measure will impact the State's leases of public lands. Third, this measure will cloud the validity of arbitration awards.

"It appears that this measure is designed to provide a basis for dissatisfied parties to vacate arbitration awards pursuant to H.R.S. § 658A-23 (permitting the Circuit Court to vacate an arbitration award where *e.g.*, [a]n arbitrator exceeded the arbitrator's powers"). As such, the number of appeals to the Circuit Court will undoubtedly increase and the certainty normally afforded to the arbitration process will be diminished.

"Thank you."

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker I rise in support with reservations of Senate Bill 771, Senate Draft 1, House Draft 1, Relating to Appraisals. This measure requires real estate appraisers to rely on the Uniform Standards of Professional Appraisal Practice (USPAP) when acting as an appraiser or arbitrator in an arbitration proceeding. Additionally, this measure requires that an arbitrator must provide the rationale and evidence that provided the basis of an award under the Uniform Arbitration Act.

"Although this measure is designed to protect consumers from unfair arbitration decisions, as well as ensure the integrity and reliability of real estate appraisal practices in the State, problems exist in its application.

"Requiring appraisers acting as arbitrators to comply with the USPAP is not the intentional application of this set of standards. Mr. Speaker, I would like to provide a brief history of USPAP.

"USPAP was created by the Appraisal Foundation as a set of standards for appraisal and appraiser qualifications, and not intended to direct arbitration decisions. Congress mandated all property appraisals involving federally funded property transactions be performed under USPAP in Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989. This legislation was driven by the 1988 Savings and Loan Scandal where dishonest appraisers falsely valued properties and colluded with mortgage borrowers to profit at the expense of unwitting taxpayers and loan institutions costing millions in public funds.

"Additionally, this bill would override a federal district court precedence set in the ruling of *Wong v. Chalmers* stating that real estate appraisers, when acting as arbitrators, are not engaging in an appraisal function. This supports the opinion of the Appraisal Institute, Hawaii Chapter, which argues that arbitration, dispute resolution, is not the same as appraisal, the process of estimating value. Arbitrators and appraisers do not perform the same duties; therefore, an arbitration award should not be vacated because of an arbitrator's noncompliance with USPAP.

"Furthermore, Mr. Speaker, this bill challenges the finality of arbitration decisions, as set forth in State law. Arbitration is binding onto both parties as the fairness of representation was served and both parties agreed to accept the awarded decision. Allowing this decision to be reviewed would not provide the intended reductions in cost and protection of the consumer, and only serves to extend the litigation process and increase costs to all parties.

"Finally Mr. Speaker, although this measure seeks to benefit taxpayers by increasing transparency and accountability of arbitration decisions, as well as upholding the integrity of the real estate appraisers, I must express my support for the measure Relating to Appraisals, with reservations.

Representative Pine rose and stated:

"Can I change my reservations to a no vote please," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 771, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Third Reading by a vote of 34 ayes to 17 noes, with Representatives Belatti, Berg, Choy, Coffman, Finnegan, Hanohano, Keith-Agaran, C. Lee, Luke, Morita, Nakashima, Pine, Saiki, Shimabukuro, Takai, Takumi and Wakai voting no.

H.B. No. 2129, HD 1:

Representative B. Oshiro moved that H.B. No. 2129, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 2129 HD1. The intent of this legislation is to impose stiffer penalties on a person convicted of criminal property damage involving graffiti to:

Remove graffiti within 30 days of sentencing;

Perform community service for the duration of his/her sentence within a 100 yard radius of the first offense; and

Reimburse property owners for costs incurred if the owners decide to clean it up themselves.

"This bill is a deterrent that sends a message to those who inflict graffiti damage on others' properties. It tells them that if you are caught, there are serious consequences in store including financial implications.

"In addition, this measure gives our residents peace of mind that we are serious about taking care of our communities and getting tough on senseless criminal behaviors. The vandalism and graffiti issues have frustrated, and continue to frustrate many property owners and residents throughout our State.

"Lastly, this bill costs little to no money to implement, which is always a good thing – especially in these times. For these reasons, I strongly support HB 2129 HD1."

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

"Mr. Speaker, I rise in strong support of this bill which prescribes additional penalties for those that cause damage through graffiti. I know there are a lot of issues that clamor for our attention. The budget, public education, furloughs, but this issue is so important to so many communities, because graffiti is a scourge on many of our communities and this sends the right message to those who would commit those crimes.

"In years past we've increased fines, penalties, but in this bill we do something that gets to the crux of the problem. We make the perpetrator clean up their own mess.

"There's an improvement that can be made to this bill, however, and I hope that the relevant Chairs might adopt it as it moves along. As the Attorney General testified to, there should probably be an amendment that calls for the owner's consent in having the perpetrator clean it up. After all, it is the property owner's property and he or she may have some concerns with having that person on their property. Thank you."

Representative Pine rose in support of the measure and asked that the remarks of Representative Ching be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, I have reservations on this measure and I would like to submit to the Journal the testimony of the Public Defender and Hawaiian Electric to express my reservations."

Representative Marumoto submitted the following testimony:

"Testimony of the Office of the Public Defender to the House Committee on Judiciary

February 16, 2010

HB 2129: RELATING TO GRAFFITI

Chair Karamatsu and Committee Members:

We oppose passage of H.B. No. 2129 because it would hold one criminally liable for acts that the person was not responsible for. This bill would automatically impose upon a person who was convicted of certain specified criminal offenses involving graffiti the duties of: 1) removing any graffiti which appears on properties within one hundred yards of the site of the original offense for two years; and 2) reimbursing property owners within one hundred yards of the site of the original offense for the costs of the removal of any graffiti which appears for two years. The bill would impose the aforementioned penalties even if the original offender was not involved with the latter incidents of graffiti.

This bill is completely contrary to the fundamental legal concept in both criminal and tort law that you are legally liable only for those acts for which you bear responsibility. This measure would be analogous to requiring a driver convicted of speeding to pay the fines of all speeders caught within a hundred yards of the original driver's site of offense for two years.

Finally, the provision which would require graffiti offenders to remove the graffiti involved within thirty days of sentencing has good intentions but might be problematic. In the past, the community service branch of the Judiciary which supervises such projects has been backlogged and unable to expediently schedule community service projects. It would be unfair to hold the offender liable for administrative delays. The proper authorities must supervise graffiti removal projects. One cannot simply enter a citizen's or company's property to conduct cleaning or painting without the proper legal clearances.

Thank you for the opportunity to be heard on this matter."

"Testimony before the House Committee on Judiciary
By Cheryl Fujiwara
Director, Facilities Operations
Hawaiian Electric Company, Inc.

February 16, 2010
2:00 p.m.
House Bill 2129
Relating to Graffiti

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

My name is Cheryl Fujiwara and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We strongly **support** HB 2129, which will make those convicted of graffiti damage more accountable for their actions. However, there may be cases in which the damaged property involves an electrical vault, steel pole, or other equipment belonging to Hawaiian Electric which may be located on land (real property) belonging to Hawaiian Electric or a third party. Much of our equipment is energized at high voltage levels in which there is a possible risk that serious injuries may occur if removal of graffiti from any Hawaiian Electric equipment is not handled in an appropriate and safe manner by trained and qualified personnel. Accordingly, in the interest of ensuring the public's safety, we propose to amend subsection (a), lines 9 through 10, of the original Bill by adding the underscored text as indicated below:

"§708-___ Graffiti; sentencing. (1) Whenever a person is sentenced under sections 708-821, 708-822, 708-823, or 708-823.5, for an offense in which the damage is caused by graffiti, in addition to any penalty prescribed by those sections, the person shall be required to:

(a) Remove the graffiti from the damaged property where consent from the respective property owner(s) has been obtained, within thirty days of sentencing, if it has not already been removed;

Based on the foregoing, we ask that our proposed amendment be included in House Bill 2129.

Mahalo."

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

"Thank you Mr. Speaker, in support of this bill. The one concern that the Representative from Liliha shared was about the consent, and I do have concerns on that. I think it was Hawaiian Electric that basically said, the possibility of a case where somebody went in into a dangerous area and did some graffiti, that you would be sending them back there without consent and it could be very dangerous. I think that should be looked at as we're moving forward.

"The other thing is, this is such a hard, hard, it's a hard person to catch, someone who does graffiti. And I really think that this would hopefully uplift some of those in the community that take it upon themselves to go out there and clean up the graffiti that other people leave. I have a wonderful neighbor who volunteers and goes out and paints over graffiti. Almost every morning on his walk he takes a little container of paint with him to go out and clean up graffiti. So I just wanted to share that story because, with the bad things that happen, there are really good people out there. Thank you."

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

"Mr. Speaker, standing up in support. Mr. Speaker, just brief comments. I commend the authors, the freshman class of 2009, for coming up with a creative way of addressing this ongoing problem with graffiti. I think it's an interesting way to look at the issues of making people responsible for their behavior. And as a father who does chalk drawing and painting on my driveway and sidewalks, I'll make sure my son cleans it up after he's done. Thank you."

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

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, this bill is a good first step toward finally holding vandals responsible for their vandalism. Those who deface public property will be responsible for cleaning up not just their own graffiti, but any other graffiti in the area as well. This bill will go a long way toward keeping our community clean, and deterring vandalism in the future."

Representative Awana rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of HB 2129, Relating to Graffiti. This bill requires persons convicted of criminal property damage to remove the graffiti within thirty days, to perform community service in the area where the property damage was committed, and to reimburse the property owners for any costs incurred. These three elements will help eradicate the graffiti that is causing incalculable damage to our neighborhoods and tourism industry.

"Graffiti is not only unsightly, but it can also lead to greater problems, such as gang violence. Graffiti should therefore be recognized as a serious crime, not a petty offense. This bill does so without any cost to the State.

"It is imperative that we deter blight and violence and preserve the natural beauty of our islands. For these reasons, Mr. Speaker, I support HB 2129."

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

"Thank you. In support with just one small reservation. I think the penalties of having the violator remove the graffiti and perform community service are good ones, but however I think that the reimbursement of the cost may be going a little bit beyond a deterrent and really penalizing someone for graffiti that they may not have actually committed. So that's my one slight reservation on this. Thank you."

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

Representative Wooley's written remarks are as follows:

"First, I especially want to thank the representative from Waipahu for coming up with this graffiti bill, and thank all the freshmen for their work and commitment to move this bill forward.

"As one of seven freshmen, I've been honored to work with such a stellar group of people. We worked together for many hours and agreed to set aside differences in opinion and background in order to put our communities first. After extended discussions, we identified shared values and priorities. HB 2129, Relating to Graffiti, was a bill that symbolized our belief that in these tough times, we must find new and better ways to prevent crime and make our communities even better, without costing taxpayers a dime.

"In my community, the Honolulu Police Department, groups like 96744, and countless volunteers have been waging a battle against vandalism. Illegal graffiti has imposed significant costs on businesses, residents, as well as City and State government. It is time for us to impose stiffer penalties, and get more creative to prevent graffiti in the first place and engage perpetrators in the effort to deter vandalism in the future.

"This bill requires a person convicted of criminal property damage involving graffiti to not only remove the graffiti within 30 days of sentencing, but also take responsibility for removing graffiti within 100 yards of the site of the offense for two years, or reimburse property owners for costs incurred for removing graffiti in the area. This new approach will make those convicted of vandalism responsible for preventing it, and give them reason to start caring about keeping our community clean.

"I hope you all support this bill and help it move forward and become law. Mahalo."

The motion was put to vote by the Chair and carried, and H.B. No. 2129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading by a vote of 51 ayes.

At 5:54 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 415, HD 2
H.B. No. 2288, HD 1
H.B. No. 2905, HD 1
S.B. No. 771, SD 1, HD 1
H.B. No. 2129, HD 1

H.B. No. 2725, HD 1:

Representative B. Oshiro moved that H.B. No. 2725, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. House Bill 2725, House Draft 1 further protects the health and wellbeing of pet animals. The bill creates a new definition of "primary pet enclosure," which means any kennel, cage, or structure used to restrict a pet animal to a limited amount of space. It requires that an area of confinement in a primary pet enclosure provide access to shelter; is constructed of safe materials to protect an animal from injury; enable an animal to be clean, dry, and free from excess waste or other contaminants that could affect the animal's health; provide an animal with a solid surface or resting platform that is large enough for the animal to lie down in a normal manner; provide an animal with a solid surface (in the case of a rabbit or guinea pig the surface may be welded wire of sufficient size to allow feces to pass through, yet comfortably support the animal) or resting platform (in the case of birds, a perch) that is large enough for the animal to lie or perch upon in a normal manner.

"In addition, the bill mandates that a primary pet enclosure provide sufficient space to allow an animal to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position for the animal without making physical contact with any other animal enclosure; and interact safely with other animals within the enclosure.

"Owners must also provide veterinary care when required to prevent the pet animal from suffering. The definition of "pet animal" was amended to mean a dog, cat, domesticated rabbit so long as not bred or raised for meat production purposes, guinea pig, or caged birds (passeriformes, piciformes, and psittaciformes only) so long as not bred or raised for egg or meat production purposes. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2725, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Third Reading by a vote of 51 ayes.

H.B. No. 2542, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2542, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Hanohano voting no.

H.B. No. 2702, HD 1:

Representative B. Oshiro moved that H.B. No. 2702, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am in opposition to this measure. Very briefly, the Department of Labor said should they ever implement a study to change the rates to twice a year, it would be extremely expensive. It would cost millions. It would be very difficult to administer also."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, with reservations. Actually, I would like a 'no' vote on this. And if I could just explain, this has to do with the Unemployment Insurance Fund. I understand what we're trying to do. And I also understand that in this time, especially because there's a high utilization of unemployment insurance, that we're trying to make it fairer

for small businesses instead of large businesses who a lot of the time, especially in agriculture, as well as construction fields, utilize the Unemployment Insurance Fund a lot. A lot of these smaller businesses and other businesses are "subsidizing," quote-unquote, some of these larger businesses and their utilization.

"There was a study that was done that noticed that this was taking place, and so I appreciate the fact that we are trying to look at improving the unemployment insurance calculations and rules and how we figure this out.

"My problem Mr. Speaker with this is, in speaking with the DLIR Director, that the cost for this study, because it needs to be done by economists, is going to be quite large. I'm not sure that we have the money to do that.

"On top of that, some of the other things like the previous speaker mentioned, that some of the changes, just to change the system and the technology to follow the system could cost up to three, four, five million dollars to implement that.

"Mr. Speaker, all in all I think right now, maybe we can look at doing some changes to this Fund in the future, but right now I think it's a very difficult time to do it. Thank you."

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

The motion was put to vote by the Chair and carried, and H.B. No. 2702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no.

H.B. No. 2736, HD 1:

Representative B. Oshiro moved that H.B. No. 2736, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you very much Mr. Speaker, with reservations. I suppose having a measure that supports local workers and local jobs is a worthy and laudable goal. The bad news is that this measure more than likely conflicts with the procurement terms of any international trade agreements.

"For example, just under NAFTA alone, over the past few years there have been more than 40 complaints seeking $28 billion in damages spread across various states. Not just with procurement, but on the various sections that are embedded in NAFTA.

"The good news I suppose is that it would only become problematic if one of the 42 trading partners that are under the World Trade Organization filed a complaint regarding this measure, or if Chile, Singapore, Australia, Morocco, or any of the other CAFTA signatories did the same.

"So I suspect it won't be an issue if this is a contract for local people and it's a relatively small one. But Mr. Speaker, I suspect if we were to build a new stadium and we put that out to bid and said that the only people who bid on it would be companies that can ensure that 80% of that workforce will be local people, I'm afraid that we would get a challenge. For those of you who are familiar with the challenge under NAFTA, CAFTA, or the WTO, it is a tribunal. It's done in secret and damages are assessed to the US Government. And then what usually happens, as in the case of California, the US Government, all they do is take it off the top, highway funds or some other funds that the state gets to pay the damages.

"So these appeals, these challenges, take years to work out. But again, that's the one problem with that part of this measure. Thank you."

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

"Thank you, Mr. Speaker. I do have concerns on this bill as well. With reservations and just short comments. Mr. Speaker, one of the things is, I have similar comments. There's just one problem and I keep hearing about the constitutional issue. I think that's a big problem. Of course, we want to save our jobs for local workers. That's the right thing to do, but there are these things that fall in the way of our being able to do that.

"The other thing that I'd like to just share is, and just kind of to put some rumors to rest. I know when we were discussing this bill, I think it was in Committee, that there were some really bad things that the Aloha Stadium project contractor had done. They went to the mainland to get certain employees or workers to come and work at the Aloha Stadium without looking locally first. Upon going back to the Aloha Stadium and checking what had happened, the issue was that there were no trained professionals or people locally in all of the State of Hawaii that could do the work that was contracted for the Aloha Stadium. So before we jump to conclusions, I think that we should get our information correct first. Thank you."

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

"Thank you, I rise with strong reservations. Thank you. I'd like to have the remarks of the Chair of Education entered as my own. I will also submit additional written comments. I hope that we certainly don't want to be getting sued or create more problems in our effort to try and solve it."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations to H.B. 2736 which requires at least eighty per cent of workers on public works and construction contracts to be Hawaii residents.

"While I understand that this bill strives to reduce unemployment here in Hawaii and that the measure provides a contractor with flexibility to bring in workers from elsewhere if needed, I have deep concerns with the constitutionality of this measure and agree with testifiers that the State must be able to establish that this would not pose as a liability for the State in the future. We must also look at the costs that are associated with this measure, as a reason for contracting out-of-state workers may be for the savings associated with using these workers. Thank you."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representatives Takumi and Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

The motion was put to vote by the Chair and carried, and H.B. No. 2736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Third Reading by a vote of 51 ayes.

H.B. No. 2832, HD 1:

Representative B. Oshiro moved that H.B. No. 2832, HD 1, pass Third Reading, seconded by Representative Evans.

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

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

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

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

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

"Mr. Speaker, with reservations. And the reason for that is the referral of this bill was waivered out of Water, Land and Ag to meet the deadline to Finance. The Water, Land Committee wants to have a hearing on this too. So that's the reason for my reservation. Thank you."

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

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

"Thank you, Mr. Speaker. I rise with reservations and some real brief comments. My position on the underlying matter of this bill is perfectly clear. However, like the Chair of Water, Land stated, as a member of Agriculture, I was shocked that we didn't have a chance to get public testimony and input on this measure. And I find it ironic that some Members would chastise the EBM Committee for this, but yet something like this pops up. Thank you, very much."

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

"Thank you, Mr. Speaker. I am rising in strong support. Thank you, Mr. Speaker. I just want to make sure that first of all, Members understand that the reason why this bill moved forward was because there was some controversial language in the original draft. Fortunately, in working with the Chair of Agriculture, the Chair of Water, Land and the Chair of Finance, we were able to identify that and pull that language out. We then noticed it for hearing so it did go through full hearing. I believe that most of the Members had a chance to review that testimony.

"This is a very exciting bill, Mr. Speaker. One of the reasons is that it is a way for us to create jobs. In the testimony that came out, it was estimated that there are 40 to 100 jobs per 100 acres for taro growing. In addition, it was estimated that about 4.3 million pounds of raw taro provided more than $1 million in tax revenue to the State. That was for about 390 acres.

"So right now there's a lot of potential for the State of Hawaii to bring in federal money, as well as private money for growing taro. That includes restoring land for wetland purposes, food security, water quality, and a whole host of other reasons. One of the non-profits in my community has actually moved forward with that and they're pulling in federal money right now.

"So this is a great opportunity and a creative way for us to let OHA have the authority to bring in that money to the State, and then funnel it directly to our farmers, and to our community to create jobs. So I appreciate everybody working with me, and everyone's support. I am very excited about this bill. I hope you support it. Thank you."

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

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

"In support with reservations, Mr. Speaker. And a few comments. I'd just like to rebut the comments from the author of this bill. To be clear, this is a bill regarding taro security, and yet there was never a hearing before the Agriculture Committee, and the Water, Land, and Ocean Resources Committee. This bill was heard before one Committee and that was Finance.

"So to say that this bill received a full hearing before subject matter committees is incorrect, Mr. Speaker. For these reasons I rise with reservations. Thank you."

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

Representative Wooley's written remarks are as follows:

"In response to concerns raised on the Floor, let me begin by saying that I have heard no one express concerns about the substance of this bill in its current form. I believe that is a testament to our legislative process, as well as the bill itself. HB 2832 is good policy. It creates the potential for job growth, food security, environmental protection, Hawaiian culture, and education. And it doesn't cost the State a dime or mandate any action.

"There appears to be some misunderstanding about the process that was followed as this bill moved forward in the House. Let me put those issues to rest. The original draft of this bill included controversial language that divided this Legislature and the public in years past. The original draft used the words "non-GMO taro."

"My perspective is there should never be, and never will be GMO taro in Hawaii. That's why I had the bill drafted allowing for money to be spent to promote "non-GMO Hawaiian taro." However, those words are fighting words. The seed industry, researchers, and many others have serious concerns about any efforts to distinguish between GMO and non-GMO food.

"The Chair of Agriculture knows all too well the extreme views on this issue. And to his credit, he has heard many controversial bills on this issue and has tried to move the discussion forward so that all agricultural industries and all farmers are supported.

"When I used the words "non-GMO taro" I did not reflect on the controversy that might be caused. However, I sincerely thank the Chair of Agriculture for being willing to talk to me about the issue and to point out that the words are simply too controversial for us to move forward at this time.

"Because there was support for this bill, I investigated the procedural options after a hearing deadline was missed. The Chairs of the Agriculture, Water Land, and Finance Committees were willing to talk to me about the options – again, mahalo to each Chair. After some discussion, I determined that the use of the re-referral form, which is commonly used in this Body to address exactly this kind of circumstance, would be the best way to proceed.

"I took the bill to each one of the Chairs and talked to them about changes we could make to the bill to make it non-controversial. Each Chair had suggestions. Based on their excellent suggestions and their wisdom, I drafted a proposed HD1. We changed the authorized agency from the Department of Agriculture to the Office of Hawaiian Affairs primarily because the Department of Agriculture can barely keep its head above water in these tough times, and it was recognized that OHA already has background and expertise on taro-related issues. We took out all references to "GMO." After talking about the issue, we also took out language in the preface of the bill and the references to Hawaiian taro defined in Bulletin 84.

"Each Chair in all three Committees was given a copy of the proposed HD1. I asked each Chair if it looked okay, or if they had any concerns. As indicated on the re-referral sheet and based on this proposed HD1, each Chair approved a single referral for the bill to the Finance Committee – the one Committee that cannot, as a policy, waive off on any bill that has a financial implication for the State. It is this HD1 that we are voting on today.

"This is our system, and I followed it to the 'T.' And I sincerely thank each of the chairs for working with me on the bill, educating me, and supporting a bill that they all realize makes great public policy in a time of great need.

"There may have been some confusion about the process because when the notice for the bill was posted, it referred to the original language of the bill and not the proposed HD1. There was also confusing testimony that proposed a new HD1, which I now see added significantly to the uncertainty about what happened with this bill.

"I hope this clears up any questions that remain about the process for this bill as it moves forward. The bill, if heard by the Senate, will have at least one more full subject matter hearing before coming back to this Body for a final vote. I hope you support it. Mahalo."

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

"Thank you, Mr. Speaker. I do have some reservations on this bill and just short comments. Thank you, Mr. Speaker. I think you know that process is so important, and I understood that this bill had prior concurrence by the previous Chairs to be re-referred. If that's not the case, then I think that we should have the process work for us and make sure that there's ample time for people in the public to weigh in. Thank you."

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

"I have reservations on the same concerns. Thank you."

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

"Mr. Speaker, I have reservations with two brief comments. One was the surprising statistic regarding the amount of taro that's coming in from China and overseas. A huge amount of taro. Secondly, that Kauai is producing 80% of the taro which we consume in the State of Hawaii. So kudos to them, but that was a surprise. And we have got to do more.

"I'm not sure this bill is going to push it that far down the line because it says, 'OHA please go get money for us.' Taro farming is not an easy thing and there's a long way to go. But this is a beginning. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2832, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," passed Third Reading by a vote of 51 ayes.

H.B. No. 2600:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives McKelvey, Pine and Thielen voting no.

At 6:09 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2725, HD 1
H.B. No. 2542, HD 1
H.B. No. 2702, HD 1
H.B. No. 2736, HD 1
H.B. No. 2832, HD 1
H.B. No. 2600

H.B. No. 2690:

Representative B. Oshiro moved that H.B. No. 2690, pass Third Reading, seconded by Representative Evans.

At this time, Representative Thielen offered Floor Amendment No. 3, amending H.B. No. 2690, as follows:

"SECTION 1. House Bill 2690 is amended by deleting its contents, and replacing it with the following text, to read as follows:

"SECTION 1. Section 661-1, Hawaii Revised Statutes, is amended to read as follows:

"**§661-1 Jurisdiction.** The several circuit courts of the State and, except as otherwise provided by statute or rule, the several state district courts shall, subject to appeal as provided by law, have original jurisdiction to hear and determine the following matters, and, unless otherwise provided by law, shall determine all questions of fact involved without the intervention of a jury[~~.~~]:

(1) All claims against the State founded upon any statute of the State; or upon any regulation of an executive department; or upon any contract, expressed or implied, with the State, and all claims which may be referred to any such court by the legislature; provided that no action shall be maintained, nor shall any process issue against the State, based on any contract or any act of any state officer which the officer is not authorized to make or do by the laws of the State, nor upon any other cause of action than as herein set forth[~~.~~]; and provided further that a claim founded upon a statute of the State is within the original jurisdiction of the courts only if, in the text of the separate statute upon which the claim is founded, the State has unequivocally waived its sovereign immunity for the claim.

(2) All counterclaims, whether liquidated or unliquidated, or other demands whatsoever on the part of the State against any person making claim against the State under this chapter."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.""

Representative Thielen moved that Floor Amendment No. 3 be adopted, seconded by Representative Marumoto.

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I'm not sure if Members here realize it, but about one-third of the Members in this Body are attorneys. Sometimes attorneys have a different view of life and what bills really make sense. The difficulty with this bill, and what I am proposing is not the exact language of the Attorney General, but as things move forward it can be amended on the Senate side to be the exact language if the Members feel that it should be.

"What this bill says is that we as legislators set policy. And we as legislators have a responsibility to set policy, not the court. Not the court acting in a legislative capacity instead of a judicial capacity. And up until recently it has been we as legislators decide when we, the State will be allowed to be sued, and we say that within the legislation. If it's not in the legislation, then the State has what's called 'sovereign immunity.' It can't be sued.

"While the Hawaii Supreme Court has expanded on a private attorney general doctrine, it popped up in the Superferry case. One of those cases. And the court awarded attorney fees to the plaintiffs in that case. The law did not provide for the attorney's fees. The law said, sovereign immunity. The State is immune from suit, but the Supreme Court acting in a legislative capacity decided otherwise.

"The amendment will keep the authority with the Legislature and not in the Court. Now I'll tell you how serious it is. It's become expanded from the Superferry case. In 2003, a number of us were here during that period of time."

Representative Evans rose to a point of order, stating:

"Point of order. I'm sorry the speaker is not addressing the Chair. She's not addressing you. She's addressing the audience."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, please address the rostrum and not the audience. Please continue."

Representative Thielen continued, stating:

"I was just doing an eyeball look around to see who was here in 2003 and who wasn't, Mr. Speaker. Some of us were here, and some were not. But in 2003 we passed a really good bill which established that all accreted or newly-formed land belonged to the State. And this was an effort Mr. Speaker, to preserve our beaches for the public.

"Well, Paul Alston had clients that thought differently and said, 'Wait a minute. That's our land.' So he went to court on behalf of those clients. The

court had a sort of split decision and said once that bill was passed from 2003 forward, that land belongs to the State. That accreted land. But anything that was in existence prior to 2003, that those plaintiffs could go to court to prove that they had that accreted land and to prove individually that that should be theirs. Paul Alston is suing for attorney's fees under the Private Attorney General Doctrine, for $650 an hour. $650 an hour.

"So without making sure that we ourselves as policymakers will say when we can be sued, when the State can be sued, and when it can't, we're opening ourselves to a huge amount of liability. And if the Finance Chair thinks he has trouble now, take a look at what the future bill would be like that we passed just not so long ago, the Claims Against the State bill, and take a look at how that bill will escalate.

"Let me give you an example of just some of the bills before us today where plaintiff attorneys could go in and use this Private Attorney General Doctrine and come back for attorney's fees. House Bill 2667, which is the Superferry again. Superferry 2. Were that to move ahead, who knows down the road what that would do. We know in one Superferry case the court already did grant attorney's fees."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Thielen continued, stating:

"House Bill 674. This is about putting some provisos in the OHA budget. We could be subject there. And then here's a biggie. House Bill 2284, which is the fair and reasonable determination on the rents, on the leases. That could set us up for major attorney's fees.

"And then the one we were just talking about, House Bill 2736, the bill requiring 80% of workers on public work construction projects to be Hawaii residents.

"All of these could turn around and come back for future Legislatures to have to look at an, 'oh my gosh' bill for claims against the State because we didn't pass an amended bill today making clear that the State cannot be sued unless the policymakers, not the court, but the policymakers say in statute that the State will be open to being sued.

"Now I have a feeling that the Majority Leader is going to pop up and argue ferociously against this, but before he, or if he, does, I would like to ask him to recuse himself because while he may not work on those cases, Paul Alston gets $650 an hour in attorney's fees for protecting our public land, accreted land for the public, then that does accrue to the members of that law firm.

"Mr. Speaker, I know that there is a tendency in this heavily Democrat Legislature to never accept a Republican's amendment."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, please stick to the issue on the floor which is Floor Amendment No. 3."

Representative Thielen continued, stating:

"Okay. I would like to say in this case Mr. Speaker, it's the State and the taxpayers' financial liability that is just massive if we don't clarify this law and say to the Supreme Court, 'You're not the decider. We as policymakers will decide when the State will be open to suit and when we will waive our sovereign immunity.' That's what this whole bill is about. I know that there are some of the senior members in this Body that would recognize what liability lies out there unless we enact this amendment. Thank you."

Representative B. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to the amendment."

Representative Thielen rose, stating:

"Mr. Speaker, I asked him to recuse himself and refrain from arguing about this. I think there is ..."

Vice Speaker Magaoay: "Representative Thielen, you're out of order. Representative Blake Oshiro has the floor."

Representative Thielen: "Mr. Speaker, I'd like to have him disclose his relationship with the firm that is seeking $650 an hour."

Representative B. Oshiro: "Mr. Speaker, she is out of order. May I explain why I don't need to?"

Vice Speaker Magaoay: "Representative Thielen, please sit down. Representative Blake Oshiro you have the floor. Please proceed."

Representative B. Oshiro continued, stating:

"The first reason I don't have to ask for potential conflict of interest is because her floor amendment has nothing to do with attorney's fees. If she reads it closely, as much as she wants to try and say there's the potential for it to get amended as it moves on. Heck, any bill has the potential to get amended to move on and include that issue. So why do we make that argument? That is not what's before us.

"What's before us is this bill. This proposed amendment that she's trying to do to HRS 661 which has nothing to do with attorney's fees. Instead what it's talking about is the State's sovereign immunity. Let me get to that. The State's sovereign immunity is not only limited to a policy issue."

Vice Speaker Magaoay: "Representative Thielen, Representative Blake Oshiro has the floor."

Representative Thielen: "No. A point of clarification. I don't see how the speaker can say this has nothing to do with attorney's fees because unless we maintain our sovereign immunity ..."

Vice Speaker Magaoay: "Representative Thielen, you had your chance to offer your discourse. Right now, we have Representative Blake Oshiro who has the floor. Representative Blake Oshiro, please continue."

Representative B. Oshiro continued, stating:

"Mr. Speaker, had the proponent wanted to introduce attorney's fees, she could have introduced attorney's fees. But let me look at the underlying language. I don't see the word, 'attorney.' I don't see the word, 'fees' anywhere there in her proposed amendment. Therefore, that's not the subject of this proposed amendment.

"What this proposed amendment is about is sovereign immunity. However, the problem with that is it's not just about the policy decisions of this Legislature. What is also included in sovereign immunity is the action of the Administration.

"Let me be more specific. When the Administration and the Department of Human Services said that they had the right to terminate all dialysis and cancer treatments for people from Micronesia, that was something that needed to be challenged in federal court, as well as State court. Had this amendment passed, if this language was on our statute books, guess what? There wouldn't have been that cause of action in State court.

"What the Attorney General is seeking to do is undo years and years of precedent that has been built up in HRS 661. That is what is before us. And so as much as she may be trying to say that this is about attorney's fees and other things, that is not the issue before us. So I would say, if she wants to introduce that, then actually that's what the floor amendment should be. Because actually, she's really misaligned the issue.

"The Private Attorney General Doctrine is specifically defined by our Hawaii Supreme Court in the *Waiahole* case and there's a three pronged test that must be met. None of those three bills she mentioned today have anything to do with the Private Attorney General Doctrine. It all would fail the test. All of them would fail that test. So before she starts citing the Private Attorney General Doctrine, I suggest she read the case and find out

what the three prong test is. And then maybe she can talk about the doctrine and actually mean what it has to say instead of just speculating, and instead of talking about some people's law firm which has nothing to do, again, with this amendment.

"Third, let me say that, again to cite from the Minority Leader. The process is so important. This bill was actually heard in the Judiciary Committee on February 23rd. However, the bill did not move because what the Attorney General wanted was not the bill. Not the language that's before us. He wanted something completely different, and so what he asked was for an amendment to put in some language on attorney's fees, but that has not gotten a hearing. That was not anything anybody was able to submit testimony on. And so when we talk about the process being so important. When we talk about transparency and the people having an opportunity to come to this Body and talk, and testify on bills. The Attorney General should not be trying to subterfuge and 'slide in' language in bills that has nothing to do with actual subject. That's the problem. Because this floor amendment and the issue she's talking about are two entirely different things. Thank you."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in support of the amendment. Mr. Speaker, I can't speak for the two-thirds in here who are not lawyers, but I can say from common sense that what the speaker from Kailua said is the Supreme Court has taken an unprecedented step. They have threatened the sovereign immunity of this Body, and if it's going to cost us an arm and a leg in terms of fees, we ought to wake up and pay attention to it.

"Now is this unprecedented? What did the 'black robes' do to this Body in the '90s? And I'm not one of those older Members, because I had a hiatus. But in the '90s the 'black robed' individuals said, same sex marriage is legal in the State of Hawaii the way we read it. The Chief Justice said, 'You the Legislature have the trump card.' What the good representative from Kailua is trying to tell us is, wake up Legislature. If we don't tell and send a message to the Supreme Court, the sovereign immunity rests with us unless we say otherwise.

"All of these suits. It was the Whale Foundation that got, I forget how many hundreds of thousands of dollars when they brought the Superferry to court. It's not only these pending ones. It's the other ones that we're going to have to pay out an arm and a leg for. So Mr. Speaker, this is a fiscal issue, but it's one that the Supreme Court needs to hear from us about. That's basically the non-legal language that she is talking about. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal because of a quote that I said earlier. Yes, I'm in favor of the amendment. Thank you. Just a brief rebuttal. The issue to me is, I believe that the AG feels that that particular amendment is very germane to the bill and offered the amendment just like we do in any other Committee.

"The problem that I had with the Taro Security bill is that we were talking about prior concurrence of the Chair's before that. I know that that is something important to this Body. It's important to the Speaker. And it's important to the process. To hear on this very Floor, in Committee, to say that there was prior concurrence and then on this very Floor saying that there wasn't. That's disturbing Mr. Speaker, because then that information was misrepresented.

"None of the information that we're talking about on this bill is misrepresented, Mr. Speaker. The AG in Committee did like what they do on a lot of the different bills, where they feel it's related and germane to the bill, they're going to offer an amendment to make the bill better and that's what he did. And I feel that we are in that process. Thank you."

The motion that Floor Amendment No. 3, amending H.B. No. 2690, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Aquino, Awana, Mizuno, Nishimoto, Takai and Takumi were excused.)

(Main Motion)

The motion was put to vote by the Chair and carried, and H.B. No. 2690, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no.

H.B. No. 2874:

Representative B. Oshiro moved that H.B. No. 2874, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the measure. It's relating to the Transient Accommodations Tax. It's job-killer bill number 5. It's going to hurt Waikiki. It's going to hurt the visitor industry and I will save the rest of my remarks for the Journal. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 2874, Relating to the Transient Accommodations Tax (TAT). Applying the TAT to resort timeshare vacation units would make visiting Hawaii prohibitively expensive for many visitors and harm our State's already struggling tourism industry.

"Last year, when TATs were applied to hotels, room rates increased dramatically. Hawaii's hotel room rates currently rival those of New York City, and visitors who come to Hawaii generally spend more nights here. Expensive hotel rates have caused timeshares to gain popularity as an alternative means of accommodation. If the TAT is applied to timeshares as well, tourists may have to choose more affordable vacation destinations. Although the State desperately needs money, the timeshare TAT will deter tourists from visiting the State and ultimately do more harm than good. For these reasons, Mr. Speaker, I oppose HB 2874."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Ward be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I would like to just note my reservations on this bill, please. And just a few comments. Thank you. I think we're one of the only states that charges a TAT on timeshares, and we're raising them to gain $3 million. My understanding, in the grand scheme of the whole budget deficit is that it's not that much. I think we stand to lose more in visitor spending and arrivals as a result of it. So just please note my reservations. Thank you."

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

"Thank you, Mr. Speaker. I'm actually voting with reservations on this bill. Thank you. Most of the time I will vote no on these tax increases. But the predicament that we're in is that we haven't gone through the budget yet, and so I want to try as much as possible to open up or at least open some other options for now. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2874, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Brower, Ching, Marumoto, Pine, Ward and Wooley voting no.

H.B. No. 2875, HD 1:

Representative B. Oshiro moved that H.B. No. 2875, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Yes Mr. Speaker, I wish to speak on this measure with reservations. And if I could, I also would want to include HB 2963 if I may. Is that at the end of the calendar? My apologies.

"With reservations. Only because the bonding people have stated that if we should take any money away from the Hurricane Fund, it could affect the bond rating. Now I'm well aware of why we're doing this and the reasons why, but this is only as a caution to the Finance Committee, and ultimately to the Conference Committee as they move this along. They should tread very carefully on this measure so it does not affect our bond rating. Thank you, very much."

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

"Thank you, Mr. Speaker. On this measure I'd just like to note my reservations and just give short comments. Thank you, Mr. Speaker. My reservation is basically that, if we end up doing this, and we feel that we're in the position where we feel that we have to do this, that my reservation just means that I don't have to like it, and that's why I'm voting with reservations. Thank you."

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

The motion was put to vote by the Chair and carried, and H.B. No. 2875, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RESERVE TRUST FUND," passed Third Reading by a vote of 51 ayes.

H.B. No. 2595, HD 1:

Representative B. Oshiro moved that H.B. No. 2595, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, this is revolving around the GET tax and the call for anybody who's a non-profit to be exempted from it. It's job-killer bill number 6. It basically says that if you're non-profit and the government does not allow you or you did not ask the government to allow you to be exempt, you shall not be exempt.

"The second thing, which probably is much more Machiavellian, is that it elevates the GET tax to the sacred ground of being employee withholding taxes. Employee withholding taxes are until death do you part. You pay those forever and ever. You go out of business, or you file bankruptcy, you have still got to pay those. We're now elevating the GET tax to that sacred level where every business heretofore is going to be bound to pay this.

"Now when people file for bankruptcy in businesses, generally these are forgiven. After this bill, they're no longer forgiven. This is putting Hawaii's businesses in quicksand and in a hole that's going to be really tough to get out of. So let's get the money for DoTax, fine. But in terms of elevating that up into a trust fund liability, that's very, very dangerous, Mr. Speaker. Thank you."

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

"Mr. Speaker, in strong support. And a little bit of rebuttal. My good friend from Hawaii Kai is wrong on the first part of the bill. It has nothing to do with non-profits. What the bill says is, if you don't file your paperwork on time or within 12 months after the due date, or you don't file it at all, or you don't get a GE Tax license, then any kind of exemptions that you may get, you will not be allowed to get.

"On the second part of the bill, my friend from Hawaii Kai is correct. But you know the one thing that we have to look at here is that, first of all this is an Administration bill. And what it does is it protects our revenues. The way I feel about people who don't pay their taxes, I feel that every time somebody doesn't pay their fair share of taxes, I've got to pay more, and I'm not willing to do that.

"What this particular bill does is make tax compliance just a little bit easier. Just a little bit stronger. So people who pay their fair share of taxes are protected from people who do not. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 2595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Marumoto, Pine and Ward voting no.

At 6:35 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2690
H.B. No. 2874
H.B. No. 2875, HD 1
H.B. No. 2595, HD 1

H.B. No. 2313, HD 1:

Representative B. Oshiro moved that H.B. No. 2313, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you. I am in strong support."

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

"Yes, Mr. Speaker. I strongly favor this measure. Not only because of the absence of the bill, but this might be an indication that there is some hope for gaming in the future. Now Members, all of you that vote for this, remember that because we're going to have another bill coming here next year for gaming.

"Seriously. This bill is probably for those 400,000 people who go to Las Vegas and spend a billion dollars of Hawaii money over there. Some of them have losses so they come here and ask for help to recoup their losses. Now we would have been better served if they would have stayed here and spent their money here rather than going to Las Vegas and spent that billion dollars. Thank you, very much."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

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

Representative Finnegan's written remarks are as follows:

"HB 2313 repeals the income tax provision that requires the reporting of gambling winnings, but not losses. This measure reverses the Legislature's efforts from last year. I opposed this bill last Session and I wish the Majority could have foreseen the issues with this law when they were raised last year."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support, but with strong reservations, to H.B. 2313 H.D. 1 which repeals the income tax provision to require the reporting of gambling winnings but not losses.

"Upon consultations, I have decided to revise my vote from an initial "no" to one in support with strong reservations. Although I reluctantly support H.B. 2313 because individuals should pay taxes upon actual winnings, rather than a false figure that in no way reflects their "bring home" earnings, I believe that it sends the wrong message to our residents regarding our motivations and goals here at the Legislature. While we have revoked tax exemptions and added fees, on at least 27 separate occasions during recent weeks alone, yet we restore this one first. Nonetheless, our State should tax accurately, according to the amount of one's real profit; anything more or less would be unfair to those who chose to gamble, and an insult to the integrity of justice in Hawaii.

"My reservations, however, rely upon a wholehearted conviction that H.B. 2313 sends the wrong message to our citizens, many of whom already suffer from the current economic downturn. By encouraging gambling, and even presenting it as a more lucrative activity, it promises a false remedy for the financial woes which so many of our unfortunate citizens have now stumbled upon. The marginal taxes which this bill may hand back to empty wallets in no way compares to the magnitude of loss which gamblers are likely to accrue if they are to frequent the casinos more often. Overall, therefore, this bill will weigh heavily upon individual fortunes, as it may lure citizens to gambling as a more profitable, and thus deceptively safe, financial solution.

"Further, my reservations rest upon a more philosophical belief that we should not reverse this vote, while holding fast to others which also drain citizen pockets with hefty taxation. Businesses, for instance, now suffer more acutely than ever from taxes raised to levels disproportionate with their earnings. We should first prioritize those most dynamic solutions which may propel themselves, by stimulating the market to keep business and employment alive. By focusing our equitable taxation strides upon gamblers rather than businesses, we are encouraging reclusiveness rather than cooperation as an economic solution. Unless we proactively turn the spotlight to the many more enduring remedies which also call for our help, our economy may wade in our current woes much longer than Hawaii can afford. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Thielen voting no.

H.B. No. 1948, HD 1:

Representative B. Oshiro moved that H.B. No. 1948, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, On HB 1948, Relating to Taxation. Thank you, so much. With reservations, Mr. Speaker. Reservations because a while back, a few minutes back we heard a Representative speaking about how we need to pay our taxes on time. This provides that every citizen should pay taxes on time. But if that's the basis, they should get their refund on time too. So there is some inconsistency here Mr. Speaker, and that's my reservation. Thank you, very much."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Very quickly. This bill addresses the concerns of the previous speaker, as well as links into the previous speaker from Manoa. Just a couple of things. This will require the Department of Taxation to provide refunds to taxpayers within 90 days of the filing of the return, or if earlier, the due date of the tax discovery date of the overpayment in an amended return, or the date of the determination by the Director of Taxation. This measure would be effective July 1, 2011.

"What this does is it creates an incentive for Department of Taxation to provide refunds to taxpayers in a timely manner. If paid late Mr. Speaker, refunds incur interest charges. This will also provide a disincentive for the next Administration, should he or she choose to delay the return of State income funds, maximizing the 135 day period as allowed under the current law before interest is payable. This will also prompt timely return of tax refunds which will stimulate the economy, allowing taxpayers to more quickly invest the money's return into the marketplace. This bill Mr. Speaker, will also have a fiscal impact of about $275 million in fiscal year 2011. Thank you."

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

"Thank you, Mr. Speaker. I have reservations on this bill. Thank you, Mr. Speaker. I understand what this measure is doing and I understand that there are many taxpayers out there, especially those who are going to be receiving a refund who are upset about this particular issue. I'm sure that the Governor wouldn't have used what's allowable under law without interest accruing because it's allowed under law to postpone this $275 million into the next fiscal year.

"Mr. Speaker, I know we had a lot of discussion about how difficult a time we're having here. My concern is basically, if we decide to do this for next year in 2011, that we are looking at 2012, I think in our six-year financial plan as the heaviest year for closest to a negative balance. This is $275 million that we'll have to make up in one year. I would love to do that. I just don't know whether or not that six-year financial plan is going to be able to accomplish that in balancing the budget. Thank you."

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

The motion was put to vote by the Chair and carried, and H.B. No. 1948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1907, HD 1:

Representative B. Oshiro moved that H.B. No. 1907, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to HB 1907, Relating to Taxation. Mr. Speaker, this bill will limit or cap net operating losses, itemized deductions, standard deductions, capital goods, excise tax, and basically handcuffs small businesses in a very difficult way.

"These provisions are made available to small businesses so they can recoup what otherwise are losses in difficult times or cycles which they go through. Case in point, you're a farmer. It takes you 18 months before your crop matures. But you've got to put all that money in. In the meantime, either a calendar or fiscal year comes around and you've got to pay your taxes. If you can't go back and carry back those losses, you're really, really hurting. So what we got here is a bill that's contrary to, I think, common sense of the times and contrary to national policy.

"Case in point. In March 2009 the US Congress passes the AARA. They allowed small businesses with net operating losses in 2008 to offset these losses back five years prior. That's what this bill is going to prevent. Then in November 2009, the US Congress passed the Worker, Home Ownership, and Business Assistance Act which provided relief to small businesses and most taxpayers with losses.

"Mr. Speaker, on the national level they're aware that these kinds of things are very important to small businesses. We now at this particular junction in this State with these small businesses, we say it's not. Mr. Speaker, this is job-killer bill number 7. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this bill. Mr. Speaker, as I take a look and try to figure out what we're going to do to balance the budget for these next two years and the six-year financial plan, there are many bills that I would normally vote no on. But I haven't, and I've been voting with reservations.

"This particular bill I think is one that I know I'm going to be voting no on, and that's because this has to do with all of these businesses who are investing in their companies and expecting that they're going to be able to take some kind of credit like this. These are businesses. These are the ones that are providing our jobs in a very tough economic time. And if they have the money to do so, but they're depending upon that savings through the credit. I think that this will be moving in the wrong direction for creating jobs and for sustaining jobs. Thank you."

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

"Mr. Speaker, in support. This bill, when I look at it, it does different things than what the prior speakers have talked about. It defers the net operating loss. It does not get rid of it. Itemized deductions are for people, not businesses. And the Capital Goods Excise Tax Credit right now, is not in effect actually. So what this will do is it actually puts it in effect. It does make it non-refundable, and does defer some things. But at least it does provide an incentive again. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1907, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 39 ayes to 12 noes, with Representatives Berg, Brower, Ching, Finnegan, C. Lee, Marumoto, McKelvey, Nishimoto, Pine, Takai, Thielen and Ward voting no.

H.B. No. 2885:

Representative B. Oshiro moved that H.B. No. 2885, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against the bill and would request if I could have some remarks from the Sierra Club inserted in the Journal. Thank you."

Representative Thielen submitted the following remarks:

"[HB 2885]
CONVEYANCE TAX REDUCTIONS
We understand the State's need to tighten the belt. We've deliberately avoided supporting most bills that might directly add to the budget problems and have suggested alternative funding mechanisms like the "barrel" tax and the plastic bag offset fee.

We suggest drawing the line, however, on this proposed budget cut. The Natural Areas Reserve and Land Conservation Fund has already seen a 50-60% cut in State funding. This has resulted in a loss of staff positions and valuable public-private conservation programs. Another 50% reduction would likely destroy these programs by eliminating irreplaceable staff and public-private partnerships It would also eliminate important matching federal funds.

Some might argue that funding could be restored in a year of two. We're concerned these programs – having lost key staff – would not recover. The small gain this bill proposes is not worth the long-term loss."

Sierra Club, Hawaii Chapter –March 1, 2010

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

The motion was put to vote by the Chair and carried, and H.B. No. 2885, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Belatti, Berg, Brower, Coffman, Keith-Agaran, C. Lee, Morita, Takai, Thielen and Wooley voting no.

H.B. No. 1947, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2850, HD 1:

Representative B. Oshiro moved that H.B. No. 2850, HD 1, pass Third Reading, seconded by Representative Evans.

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

"May I request of a ruling on a possible conflict? I'm a wholesale importer of Japanese wine," and the Chair ruled, "no conflict."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Not so much because it's liquor, but because in the Finance Committee, Anheuser-Busch gave us a formula. For every amount of increase in price there was the decrease in sales, which was a decrease in jobs. This was a national database, empirical, actual, non-imaginary or factitious. Because of that Mr. Speaker, I'm against this bill. It's job-killer bill number 8. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I guess, for the last time. We're experiencing unprecedented economic difficulty and therefore I rise in opposition to House Bill 2850, Relating to the Liquor Tax. The problem is Mr. Speaker, that even with all being said, there are other times when this Body has perhaps not taken a look at the consequences of our actions. House Bill 2850 is one of those times.

"With tourism, maybe in some people's eyes, coming back, but in generally accepted to be still in a fragile state. Discretionary spending is at an all time low. This tax represents a cost increase that will be passed on to not just tourists, but also local customers.

"The fact is that restaurants rely heavily on the profit generated by liquor consumption at their establishments. From the high end five-star dining, but maybe more importantly the Hawaii regional cuisine restaurants, to the local neighborhood bar and grill establishments. They are just all hanging on. We all know how tough the restaurant business is. They're hanging on just to make payroll. Just to remain open. And they are employing our local people.

"This tax will drive down sales and once the sales are reduced, then layoffs will begin and now their workers will find themselves unemployed. Businesses will close as many of the businesses in my district have closed.

"And it will not only be the businesses that sell liquor. These restaurants purchase products from other local businesses. They purchase, importantly, agricultural products, particularly Hawaii regional cuisine restaurants. Local beef, local fresh vegetables, the list goes on and on.

"So Mr. Speaker, I urge our Members to recognize the cause and effect, and to look deeper into the effect of what we do. To look beyond. To look towards tomorrow. To look towards the bigger vote, and please protect our local businesses."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition with short comments. Thank you, Mr. Speaker. We didn't have any, at least from what I can recall, we didn't have any testimony in support on this bill. But I just wanted to make

note that this is an approximately 13% increase. A 13% increase on this current tax. Thank you."

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

"Thank you, Mr. Speaker. Just with some slight reservations. I know this is a work in progress and we need to move this along to keep as many tools available to us for the deficit. I'm just concerned with the sunsetting in 2015 that the rates will sunset higher than they are now. I think with the economy recovering by that point, there might hopefully be some flexibility to lower them. Thank you, very much."

The motion was put to vote by the Chair and carried, and H.B. No. 2850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Brower, Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no.

At 6:52 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2313, HD 1
H.B. No. 1948, HD 1
H.B. No. 1907, HD 1
H.B. No. 2885
H.B. No. 1947, HD 1
H.B. No. 2850, HD 1

At 6:52 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:03 o'clock p.m., with Speaker Say presiding.

At this time, the Chair stated:

"Members this evening, I want to thank all of you for your patience and perseverance in going through this session today. It's about five minutes after 7:00. We started this morning at 9:00 or maybe five or ten minutes after that. So we'll try to get out, I hope by 8:30 or 9:00 with three more pages to go, and the end of calendar measures."

H.B. No. 2851, HD 1:

Representative B. Oshiro moved that H.B. No. 2851, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the measure, Relating to Insurance. Just as a footnote to your comment, Mr. Speaker. It is late. People are a bit tired. They're hungry. But you know, you've got such heavy bills saved for the last. You're probably going to get us out quicker because we want to get out. Whereas if they would have been in the front, we probably would have debated it and thought about them a bit early. But you put all of these back to back.

"Case in point. Relating to Insurance increase in the insurance premium tax, which basically says the cost of living and the cost of dying has just gone up with this bill, Mr. Speaker. This is job-killer bill number 9, and my further remarks will be in the Journal."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 2851, Relating to Insurance. This bill is a job killer. The tax increase makes captive insurance in Hawaii less competitive with the rest of the country and could drive businesses, and consequently jobs, away. Insurance contracts, sales and providers are already taxed substantially. Hawaii is the second best captive insurance domicile in the country. This bill will threaten that.

"For these reasons, Mr. Speaker, I oppose HB 2851."

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

"Thank you, Mr. Speaker. On this measure, may I have a ruling on a potential conflict? I'm an insurance broker," and the Chair ruled, "no conflict."

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

The motion was put to vote by the Chair and carried, and H.B. No. 2851, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Berg, Brower, Ching, C. Lee, Marumoto, Pine, Takai, Thielen, Ward and Wooley voting no.

H.B. No. 2872, HD 1:

Representative B. Oshiro moved that H.B. No. 2872, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the measure. This is relating to basically taxing or increasing the fees for bankers. The bankers are already in a depressed state. They're losing, if not merging. They're going out of business. It's not the 1920s or the early '30s, but it's a time where there's a real shedding of assets in the banking industry.

"Before bankers were the most trusted individuals, Mr. Speaker. Now nurses are the most trusted, so it shows the shaking of our economy. I'm not sure where politicians are. I don't think we were probably ever at the top. But this is going to hit the banking community, and all of us who have those accounts are going to have to pay. This is job-killer bill number 10. Thank you."

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

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

"Mr. Speaker, in support. And just really quickly to correct the speaker from Hawaii Kai. House Bill 2872, HD 1, Relating to Taxation does not increase taxes for banks. All it does is divert the Franchise Tax into the general fund. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Berg, Ching, Marumoto, Pine and Ward voting no.

H.B. No. 2887, HD 1:

Representative B. Oshiro moved that H.B. No. 2887, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition of this measure. Thank you, Mr. Speaker. Ten years ago, those of us who were in this Body had an opportunity to do something pretty monumental. We passed the bill which became the law that set up the Tobacco Settlement Fund. I'd like to read a couple of statements that I made that day because I think it's important to put this discussion tonight in context, and I quote:

"With the passage of this bill, we will be making a decision that will save lives, save money, and improve public health. This bill will

positively impact every resident in Hawaii especially our children. Hawaii has once again placed itself on the map as one of the nation's leaders in terms of public health and education. We now have the funds allocated to mount an effective education campaign against the tobacco industry which for years has targeted our children."

"Mr. Speaker, when I said those words ten years ago, I did not in any imaginable sense believe that I'd be on the Floor today, ten years later protecting what is left of the Fund. As you know over the years we have eroded the support to the basic premise of this Fund, namely to provide funding for tobacco prevention efforts.

"In fact, in 1999 when we set up this Fund, 35% was set aside for purpose number two. Purpose number three which is totally eliminated tonight, started out at 25%.

"It's interesting Mr. Speaker, because I have two young children. In fact, just about a week ago when we were watching the Olympics, one of the TV commercials was the one where the guy's playing basketball and dragging this ball and chain. My daughter and I had a conversation. I asked her, 'Do you know what's going on here? Do you know why this guy is struggling to play basketball?' And she said, 'Yes. Because he smokes and smoking is bad. Daddy, have you ever smoked?' And I said, 'Yes, actually I have.' And she says, 'Why did you do that? It's really, really bad.' And I said, 'It is. I don't smoke anymore.'

"Mr. Speaker, she's only six years old and I believe that our efforts to curb tobacco usage among children especially, and also among our adults is working, and we should all take credit for what we have done ten years ago to setup this opportunity.

"Today people have said and will continue to say, that the Hawaii Community Foundation which now has the corpus of the funding is rich at $53 million. Mr. Speaker, this tobacco settlement money is eventually going to disappear one day, and the purpose of that endowment from the very beginning in 1999 was to setup a corpus from which we could use the interest raised from these moneys to continue supporting tobacco prevention efforts in perpetuity.

"Now I had a chance to review some of the testimony provided to the Committee on Finance, and time and time and time again, there was testimony from many influential organizations, and many influential people saying that we should not do this. In fact Mr. Speaker, as you well know, the *Honolulu Star-Bulletin* and the *Honolulu Advertiser* both came out with editorials against this particular measure.

"I really think our colleagues should take a look at this. I know we're in dire straits and I know the attempt to raise money from these type of funds to help our general fund balance is a priority, however I think we need to realize that taking money away from this particular purpose and using it to balance our budget will in the long run, cost us many more millions and definitely many more lives.

"The other thing I would like to add Mr. Speaker, is that many of the bills that we're looking at especially during this late hour, all have defective dates. This measure does not have a defective date. Mr. Speaker, a vote tonight on this measure by any Member of this Body needs to be a vote to be considered as a final vote. And I think that's very important because we may not see this measure again.

"Mr. Speaker, in 2007 when we passed another amendment to this Fund we said, 'Well this is going to be for only two years.'"

Representative Bertram rose to yield his time, and the Chair "so ordered."

Representative Takai continued, stating:

"Thank you, Representative. In 2007 when we said that we're going to make some minor changes to the purpose of the funding, we said it will last two years. Then we said it'll last another two years, so 2009. Then we made changes last year in 2009 to say, 'Well, you know what? Let's extend some of these purposes, these diversions of the funding to 2011.' Tonight we're saying, 'Oh no. It's not 2009. It's not 2011. It's in fact, 2015.'

"I've said on this Floor numerous times over the years, every time a bill comes up like this, that we got to end this type of taking once and for all. I can show you speeches that I've given, as well as many of our colleagues have given that said, 'Okay, you know what? Let us do this, and then let's end it.' I supported the effort to utilize the extra money for the UH Medical School for the operation of the school for two years. Now this thing is going to go on. Some people want it to go on forever. I just think it's absurd that we're now taking money for our tobacco prevention efforts, and not even looking at that particular part of the Fund.

"Members, please take a look at this and I urge you to seriously consider your vote, because I believe that a vote for this is a vote against children, and it's a vote against our public helath in Hawaii. Thank you, Mr. Speaker. One more thing, Mr. Speaker. May I insert additional comments? Thank you."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in opposition to this bill. The purpose of this measure is to totally eliminate the revenue stream from the Tobacco Settlement Special Fund to the Tobacco Prevention and Control Trust Fund.

"Hawaii receives Tobacco Settlement moneys as the result of a settlement entered into between 46 states and the major tobacco companies to recover damages for tobacco-related health care costs paid by taxpayers because of the harms caused by cigarettes. By joining the settlement, Hawaii made a promise to the people of Hawaii to reduce youth use of tobacco and to advance public health. This promise is reflected in Act 304, SLH 1999 (SB 1034, SD 1, HD 2, CD 1), which created the Tobacco Settlement Special Fund and the Tobacco Prevention and Control Trust Fund.

"The Tobacco Settlement Special Fund was created to "serve as a medium for a public-private partnership to." The fund also serves as a mechanism to maximize financial resources for tobacco prevention and control, health promotion and disease prevention programs. If this bill becomes law, the Tobacco Prevention and Control Trust Fund will suffer a 100% reduction from its original funding.

"In the last 10 years, the Tobacco Prevention and Control Trust Fund has kept youth from starting to use tobacco, and saved Hawaii money. Hawaii now has the fifth-lowest smoking rate in the nation with 15.4 percent of adults smoking in 2008 as compared to 21.1 percent in 2002. We've reduced smoking from 1 in 4 youths to 1 in10 youths from 2000-2007.

"Public Health Epidemiologist, Tonya Lowery St. John, reports that the reduction in smoking rates between 2002 and 2008 resulted in 42,300 fewer adult smokers in the State. This decrease has spared approximately 14,100 lives from tobacco-related deaths. It has saved an estimated $402 million in direct medical costs, of which $53.9 million would have been for Medicaid expenditures and the State of Hawaii's share would have been $22.4 million.

"We have learned from other states that cuts in funding will undermine successes made in reducing smoking rates. When Indiana cut it's funding of tobacco prevention programs by 70 percent, their smoking rates increased to 23.9 percent in 2006. California had a well-funded Tobacco Control program in 1999 that reduced youth smoking; however, funding cuts in 2003 led to an increase in high-school smoking rates from 13.2 percent to 15.4 percent between 2004 and 2006, and declines in cigarette consumption carne to a virtual standstill between 2002 and 2005.

"Although we've made significant progress in reducing tobacco use and saving lives because of the investment in tobacco prevention and control, tobacco use remains a serious health issue. In fact, lung cancer associated with tobacco use kills more women than breast cancer in Hawaii. More than 1,000 Hawaii youth become daily smokers each year.

"Smoking costs us over half a billion dollars per year in smoking-related healthcare costs and lost productivity. All that stands between the $42 million tobacco companies spend each year in Hawaii and the next generation is the counter-education efforts of tobacco prevention programs and messages.

"Tobacco-related health costs take an enormous toll on our business and economy. Smoking costs us over half a billion dollars per year in smoking-related healthcare costs and lost productivity-addition costs our State cannot afford in these difficult economic times.

"I urge that we maintain the 6.5 percent of Tobacco Settlement dollars funding the Tobacco Prevention and Control Trust Fund so that these community-based services can continue. For these reasons, I oppose this measure and urge my colleagues to do the same. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. First let me start by saying what I started to say on this bill on Second Reading. I think we all understand that especially with children, smoking is bad. And everybody understands that the tobacco prevention people do good work. It is a necessary and good program to help people to first, not take up smoking; and second, for those who are, to help them get off.

"As I also said, and I will reiterate again, that we are in a fiscal crisis and this, along with many other bills, we are going to have to make some tough decisions. Do we forgo prevention in the name of immediate care? Do we, as some would say, 'kick the can down the road'? I don't think anybody wants to do that, especially on issues like this. However, we are at a point where we cannot even make the payments for our safety net QUEST on time.

"I appreciate the prior speaker's concerns and comments, and when he was speaking of his child watching the commercial, I was thinking about the other children, and that's when it came to me. What about the other children? Not every child has loving parents. Not every child has parents who have the economic wherewithal to provide healthcare. Not every child has parents able to put food on the table, and that's the situation we're in.

"Yes, let's think about the children, but let's think about all the children. Let's think about the children who are in embattled families waiting for CPS to rescue them, those who have not been rescued yet. Let us think of the children who are not able to access certain healthcare services. Let us think of the children who are still on Furlough Friday.

"Is this something that we all want to do on this bill? No. But we are at the point where we need to ensure the programs and the safety net for the State. Like I said earlier, let's think about all children. Thank you."

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

Representative Finnegan rose in opposition to the measure and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Thank you very much, Mr. Speaker. In support with reservations. The irony is that my reservations were best encapsulated by the speaker from Kaneohe. I have very grave concerns with the bill, however the reasoning he gave are the reasons why I'm going with reservations and am not opposed to the measure. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I ask for a ruling on potential conflict of interest? At my law firm, I represent the Coalition for Tobacco Free Hawaii," and the Chair ruled, "no conflict."

Representative M. Lee rose to speak in support of the measure, stating:

"I rise in support, Mr. Speaker. I'm not sure that all the Members are aware that in many states the entire tobacco monies go into their general fund. We have been very lucky in Hawaii to have reserved this trust fund for work with tobacco prevention. And because we pass this bill today, it does not mean prevention and control is going to go away. There is $53 million there.

"I'm sorry that we have to use it, but as the Representative from Kaneohe said, it doesn't mean that by using this that children will be hurt. Children will be hurt if we don't use some of this money for the safety net. I'll add some additional written comments. I'm sorry we have to do it, but this year it's really necessary and we will continue with our prevention and control programs. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support. No one wants to see tobacco education and prevention efforts end. The Hawaii Tobacco Prevention and Control Trust Fund still has $53 million that can be made available by the non-profit responsible for the fund.

"In these dire fiscal times, we must temporarily transfer a portion of the monies from the Hawaii Tobacco Settlement Special Fund to help us deal with critical needs in our State budget. No child will be harmed by this transfer and many children may be helped. I urge support."

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

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

Representative Wooley's written remarks are as follows:

"HB 2887 is not a bill I want to support, but given all that I know about the budget and our dire fiscal situation, I must. The solace is knowing that the shifting of this money to the general fund will not affect the actual services provided. Instead, it will only slightly deplete the $53 million corpus of the Tobacco Fund."

Representative Shimabukuro rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. Mr. Speaker, I really appreciate the comments from my colleague from Pearl City and all the other folks concerned about this measure. It would be appropriate I believe, for everyone to vote with reservations because this measure does affect the funding of the Hawaii Community Foundation which for the past 10 years has been monitoring and providing the grants to the various interest groups who will be participating in the public hearings. I can understand their concern and that it might affect some of them.

"But the truth of the matter is Mr. Speaker, as alluded to by the Representative from Kaneohe, and the Vice Chair of Finance, is that the Hawaii Community Foundation has properly managed the fund and invested it over the last 10 years. In their current report submitted to the Legislature in December 2009, they have a fund balance of $52 million. According to their report issued here, they spend about $5 million Mr. Speaker, per year in funding the various nonprofits who do both smoking cessation, as well as smoking prevention work. They also fund the very effective multimedia campaigns geared toward the youth in our community, and they have been effective.

"I think the Members also need to know that in October of this year, October 26, 2009, there was a review of the investment policy, and expenditure policies by the Hawaii Community Foundation and the

Department of Health, and there was an amendment made to the previous investment policy guidelines. We hope to review that document soon.

"The point of the matter Mr. Speaker is, sometimes we all need to be careful of what we read and in this case, I think the adage that, 'you shouldn't believe everything you read' bears truth. Both the *Star-Bulletin* and *The Advertiser* editorials have been wrong, and I think they fail to appreciate the fact that there's $53 million in the Hawaii Community Foundation Fund. This is a temporary diversion of these moneys to the general fund for important purposes of health, safety, and education, and that for the next years, $5 million will go to the various non-profits and they'll be able to administer and run their programs. For this reason Mr. Speaker, I hope everyone can support this measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2887, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO SETTLEMENT MONEYS," passed Third Reading by a vote of 36 ayes to 15 noes, with Representatives Aquino, Belatti, Berg, Brower, Carroll, Finnegan, Hanohano, C. Lee, Marumoto, Morita, Rhoads, Takai, Takumi, Thielen and Ward voting no.

H.B. No. 2598, HD 1:

Representative B. Oshiro moved that H.B. No. 2598, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Herkes rose to speak in support of the measure, stating:

"Mr. Speaker, if I may briefly speak in support. In 1973, when I was the Vice Chair of the Hawaii Hotel Association, then Governor Burns said, 'Don't ever give up fighting against the room tax. If the Legislature passes it, I will veto it.' It was later when the industry changed its mind and supported the TAT. Before I voted on it I said, 'Are you sure? Are you sure you want me to vote for this? Can you trust past, present, and future Legislatures to keep their word that this money is going to be for marketing and only marketing?' I voted for it with strong reservations.

"I have never supported giving any money to the counties. That is not marketing. I don't support using it to balance the budget. That is not marketing. If we had used the TAT from the very, very beginning to market Hawaii and market tourism, we might not be in the same fix we're in now. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes Mr. Speaker, I speak in favor. I am strongly in favor, and if I can, I wish to thank the leadership and members of the Finance Committee for providing this, I would use this term, 'accommodation' to the counties. I know the kind of work that it took to find the money to provide the funding at this particular level. For the Mayors and for Maui County, thank you very much."

Representative Finnegan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"HB 2598 places a limit on the amount of Transient Accommodations Tax revenues distributed to the counties. Although I support the Finance Chair in his decision to amend this bill, I do understand the Governor's position.

"Despite the shared budget problems that this economic downturn has brought the entire State, the counties chose to play politics when the Administration began implementing cost control measures and working out collective bargaining agreements. The counties said they were fine financially when in actuality, they knew full well that their budgets for the next few years would be severely strained. Faced with this prospect of losing their TAT subsidy, the counties' dire financial situations all of a sudden became clear.

"The counties' share of the TAT is a subsidy that the State provides. The counties and the State share the ownership of the economy and they similarly share the responsibility for wise stewardship of resources and helping Hawaii achieve a sound fiscal footing and economic recovery. I believe the Governor's proposal to take back some of the Transient Accommodations Tax was made with the recognition of that shared responsibility."

The motion was put to vote by the Chair and carried, and H.B. No. 2598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

H.B. No. 2852, HD 1:

Representative B. Oshiro moved that H.B. No. 2852, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. On this measure, House Bill 2852, may I have a ruling on a potential conflict? I'm an insurance broker," and the Chair ruled, "no conflict."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, we are in a healthcare crisis. I think anything that comes out of the national level with the Obama Administration, and the health industry, and the summit, and all the things that basically said that we are in a crisis to the extent where the cost is skyrocketing. This bill at the local level is not only a part of exacerbating the national crisis, but it takes really close to home, a tax or credit, or another way of bumping the premiums for HMSA and Kaiser.

"Mr. Speaker, heretofore we would not have to pay on prescription drugs, but we have food and medicine as things that are taxable. Now we're getting on to very sacred ground by putting the expense onto HMSA and Kaiser. Mr. Speaker, I believe it was you while we had lunch who reminded me that the rates for HMSA just went up another 7.5% for the business community. Mr. Speaker, in simple terms, I think it is most descript. This is a job-killer. It's bill number 11. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2852, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSURANCE PREMIUM TAX," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Berg, Brower, Ching, Finnegan, Pine, Takai and Ward voting no.

At 7:30 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2851, HD 1
H.B. No. 2872, HD 1
H.B. No. 2887, HD 1
H.B. No. 2598, HD 1
H.B. No. 2852, HD 1

H.B. No. 2866, HD 1:

Representative B. Oshiro moved that H.B. No. 2866, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to four measures, stating:

"Mr. Speaker, with your permission, may I bundle this page, H.B. No. 2866, HD 1; H.B. No. 2867, HD 1; H.B. No. 2877, HD 1; and H.B. No. 2962, HD 1, so I can be brief. They're all relating to taxation and I am voting no on all four of those and the other ones at the end of calendar.

"Essentially Mr. Speaker, it's saying that these are the final job-killing bills, numbers 12, 13, 14, and 15, which when we look at what we're doing, we have to see the full trend line of where we are. We have to connect the dots. And with these 15 bills taken as a whole, we can see there's a few hundred million dollars that's laying out there which we have to understand we're going to be pulling out of the economy.

"Now some of the Members of the Body have berated the fact that we've pulled out $500 million from the economy and set it aside for the rail. When you pull money out of the economy, you weaken the pipeline, the cash flow, and the basic mechanism which keeps an economy strong and that is consumer spending. Mr. Speaker, if we look at these 15 job killing bills, we will have if we implement them, pulled out another $150 million at least in the economy over the ensuing years. Mr. Speaker, because of that, we want to keep our people employed. We want to keep our kids in school. We don't want these job-killing bills. And that's the summary of my 15."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just disagree with the idea that somehow these bills are taking money out of the economy. On the contrary, they're taking money out of one part of the economy, but it's going to another part of the economy and the money is going to be spent just as fast as it comes in. Maybe faster.

"You know, there's no difference between government money being spent, and private money being spent. It's still money. It still stimulates the economy. It's a net wash, I agree with that. It's basically zero if the money you take out of one sector goes into another sector and comes out in the economy somewhere else. It's all zero.

"But the problem is from the government side, this is a period of time when the demand for services goes up, and we need the money. So I just disagree with the economic theory being proposed. Mahalo."

The Chair then addressed Representative Rhoads, stating:

"Representative Rhoads were you speaking in support of all four measures on this page before us?"

Representative Rhoads responded, stating:

"Mr. Speaker, I was only speaking on the first bill, Stand. Com. Rep. No. 530. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I believe this is the bill connected to the death tax? HB 2866? Mr. Speaker, I want to just note that, I was thinking about voting with reservations. We were talking about being able to balance the budget and keeping some of these measures alive, but I noticed that this is effective date upon approval, so I will be voting no."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, in opposition. I'm sorry, this is my last one big speech, and then I'll be quiet. I rise in opposition to Stand. Com. Rep. No. 530. Basically, this is the tax that will be applied retroactively, to December 31, 2009. So we're already in March, and this bill is going to be retroactive to those that the death tax would apply to, from last year.

"So it will affect estates that did not have the opportunity to plan effectively for such a tax. This takes from people who never even had a chance to see it coming. While the State should continue to look for ways to increase revenue, pushing a family who just lost a loved one by taxing them and taking the assets they amassed over their lifetime, to me is just cruel and wrong.

"The death tax falls hardest on those who maintain a family business, often forcing family business owners to sell the business in order to pay the tax.

"As defined by the IRS, the 'death tax' is a tax on your right to transfer property. A death tax mocks the idea of fundamental property rights. By its intrinsic operation, the death tax confiscates a life earnings, and prevents families from passing a legacy of hard work and delayed gratification down to the next generation.

"The death tax effectively punishes those who save and invest, while exempting those who spend their money away, or who don't have money. Which is okay on that part.

"Economist Art Laffer aptly described the perverse incentives of the death tax in a recent *Wall Street Journal* article. Today in America you can take your after-tax income and go to Las Vegas and carouse, gamble, drink and smoke, as far as our government is concerned, and that's just fine. But if you take that same after-tax income, like my grandmother has done, and leave it to your children and grandchildren, the government will tax that after-tax income, one additional time, at the rates of up to 55%. And these especially are those families that don't really know how to put things into a trust. And I'm finding that a lot of people in my district, who have amassed a lot of savings and a lot of lands, don't even know about trusts, and we're informing them about that right now.

"The death tax is a form of double taxation, which means that it taxes assets that have already been subject to the federal payroll, income, and/or capital gains taxes. The death tax is an additional burden on top of the other federal taxes.

"Consider for example, Joe, who manages to get taxed three separate times due to the death tax. And we're making this retroactive, now. Joe is an electrician, who recently started his own business. He takes home earnings of roughly $60,000 a year. All of his income is subject to the income tax, the first tax layer.

"Joe wants to improve his family's standard of living, so he is frugal and saves his money and invests it in diversified mutual funds. Over the course of his life, he invests $500,000 of his income where it grows to over $1,000,000. Upon selling his stock, Joe owes capital gains taxes on the profit above his original $500,000. That's his second tax layer. He's just an electrician.

"Joe dies after enjoying a good life and nice retirement. Joe is excited before, as he does his will. He leaves his investment returns along with his house, his boat, his other land, other belongings, as an inheritance for his son and daughter and his grandchildren. Joe's business savings and other belongings are valued at $11.5 million. Any inheritance that he leaves in excess of $7 million, or $3.5 million if he is single, is subject to the death tax. And this is the third tax, after he's paid taxes all of his life.

"Hence Joe has been taxed three separate times on the same dollar. Once when he earned it. Again when he invested it, and later sold the investment. And then once again when he died. Is it right for Uncle Sam to nail Joe three separate times on the same dollar?"

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Pine continued, stating:

"Is it right for Uncle Sam to nail Joe three separate times on the same dollar? Shouldn't Joe pay taxes once, and then be done with his obligations to the taxman?

"Now this really hits close to home, because my grandmother was a plantation worker. And because my grandpa was Filipino, he could never rise to an officer level when he was in the military, so he was always the chef, or the custodian, or an assistant to the Admiral. All my life I've seen them just save, save, save, save, save. And had it not been for me working here and understanding a few things, we would not be able to meet with someone who is a tax person that helped her to develop a special trust and some other incentives to save her money. But because she's just in a beautiful way, a wonderful way, very simple minded, she and many other wonderful people from her generation, they just put things in savings.

They don't know about all these fancy things to do to prevent the death tax from being so high.

"And so when I talk about this, I see real faces. When we allow this to revert back to taxing people in such a way that they were before the death tax, it really is something that I think we should reconsider before the end of this Session."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I'll be very brief. Unfortunately, the estate tax under the Bush tax cut plan only benefitted the rich. So at this point the exemption grew from $675,000 up to $3.5 million dollars for an individual. That's what we've pegged it at for this bill because unfortunately, Congress was not able to pass a bill. So right now, anybody that passes away under the federal law, in 2010, will escape a death tax. They will escape any estate tax.

"So although it's not very popular for us to be assessing taxes, I think when the federal government has failed to actually do anything, and actually has assessed a tax, and there's this gap in the law, then I think it is appropriate for us to take a look at it. And we've not done anything that the federal government hasn't done in the past. We've just picked it up right where they left off. This isn't a brand new tax. This isn't something that people are not aware of. This is something that is exactly where the federal tax has been for the last nine years under the Bush tax cuts. All we've done is continue it on for 2010, because unfortunately, on the federal level, they will get away with paying none. Thank you."

Representative Ward rose to respond, stating:

"A brief rebuttal to the Representative from Downtown, Chinatown, if I may proceed?"

The Chair responded, stating:

"I believe he was on the first bill."

Representative Ward continued, stating:

"But if I waited till the end of all these bills to rebut it, you would say it's probably out of context. But I leave it to you. I just want to rebut.

"He gave a wrong impression of what economics are about. He said government is as awful as consumer spending is, and it is not. We have to realize that the economy has three separate parts. Consumers, private investment, government investment. Consumers are 70% of the equation, Mr. Speaker. That's the whole point. When government spends something, it's around 15% to 20%. Probably now it's pushing it a little bit further because we've got so many stimulus programs going on. But when the private business sector does it, it's about 10% to 15%. The point is, when 70% of the pipeline of the economy slows down because we've sucked out money by taxes, the economy slows down. That's the whole point.

"So he was saying a dollar, is a dollar, is a dollar. Not so. And that's why we've got to be very attentive to allow those with the money to keep it in the stream and to keep people spending. Yes, spending. We've got to keep people spending. Not sucking the money in and putting it aside like we did with the $500 million for the train, which these bills are going to do, the 15 bills that I just told you that are job killer bills. We've got to keep the pipeline filled, Mr. Speaker. That's the whole turnaround in an economy. That's why we got through the Depression when the war came. We got the economy moving. And we have to stick to those basic principles at this point in this State. Thank you."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Rhoads rose to respond, stating:

"Mr. Speaker, are we still on the first bill? This is my second time then. Still in support. I would say to my colleague from Hawaii Kai, that as the Chair of the Labor Committee, I've been reminded many times that 65% of the cost of government is from salaries. When we raise taxes to pay for government, that means paying for salaries of workers. And those workers are in fact consumers. They go out and spend their money just like the consumers who work in the private sector do. The government spends money, and it works just as much as a stimulus as private sector money does. Mahalo."

Representative Pine rose to respond, stating:

"Yes, thank you. Just in rebuttal to a couple of previous speakers. First of all, it's been a proven fact that the private sector has worked a lot more efficiently than people who do the same things in the government sector. I think just watching the news this morning about our Postal Service, they're saying it's very hard for government to operate the way it does in competing against private business because they run their businesses much more efficiently. For example, like FedEx or UPS. And so that's a great example of what's happening today exactly, and how government versus the private sector uses money that's in the economy.

"And second of all, this hasn't always been a tax. I'm not in the federal government right now to make any changes. I'm in the Hawaii State House of Representatives. And what this does, what this 'gut and replace' bill does is, it now retains the State's ability to pick up the State death tax as it existed way before. And so it does make a change."

The motion was put to vote by the Chair and carried, and H.B. No. 2866, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Berg, Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no.

H.B. No. 2867, HD 1:

Representative B. Oshiro moved that H.B. No. 2867, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to H.B. No. 2866, HD 1; H.B. No. 2867, HD 1; H.B. No. 2877, HD 1; and H.B. No. 2962, HD 1. [See remarks for H.B. No. 2866, HD 1.]

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no.

H.B. No. 2877, HD 1:

Representative B. Oshiro moved that H.B. No. 2877, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to H.B. No. 2866, HD 1; H.B. No. 2867, HD 1; H.B. No. 2877, HD 1; and H.B. No. 2962, HD 1. [See remarks for H.B. No. 2866, HD 1.]

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just would like to request a ruling on a potential conflict of interest. I can't quite tell what the bill does, but I think it may affect the two organizations that I'm on the Board of Directors for: the Honolulu Tower AOAO; and also the Pacific Gateway Center," and the Chair ruled, "no conflict."

Representative Rhoads continued to speak in support of the measure with reservations, stating:

"Thank you. Just with reservations. I'm a little concerned about one of the sections that has to do with low-income housing. Kukui Gardens of course is the affordable housing complex the State purchased a couple of years ago when we actually had some money, and I'm afraid that, and I can't tell again, I'm unsure whether these provisions could actually negatively affect that enterprise. But I'm concerned about that and I hope that we can work that out before the final bill goes through. Mahalo."

The motion was put to vote by the Chair and carried, and H.B. No. 2877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Berg, Brower, Ching, Marumoto, Pine, Thielen and Ward voting no.

H.B. No. 2962, HD 1:

Representative B. Oshiro moved that H.B. No. 2962, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to H.B. No. 2866, HD 1; H.B. No. 2867, HD 1; H.B. No. 2877, HD 1; and H.B. No. 2962, HD 1. [See remarks for H.B. No. 2866, HD 1.]

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on the final bill, House Bill 2962, I'd like to disclose a potential conflict. I am affiliated with an investor in a qualified high tech business," and the Chair ruled, "no conflict."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. Yes, I speak in favor, but with reservations. I would like to mention that I did submit a green slip to vote no, and I want to change that to yes.

"In relation to this measure, my only concern here is, and I understand why we're doing this in order to find the revenue to balance the budget. But my main concern here is that at the end of three years, we need to replace $168 million which is the net amount of the three years of revenue to the State that we will have suspended from the Act 221 clients.

"I have some problems with that. I have a problem doing away with Act 221 and the sunset and the continuance. And I understand the good they've done, but they're supposed to sunset. They still have a tail, and the tail amounts to approximately $168 million that we'll have to pay three years hence. Right now I have no idea how we're going to pay it, including the $275 million from the Governor's budget, if we accept the Governor's budget, and on and on. This only adds to our burden.

"So hopefully the money Committee can look at it and be aware that three years from now, we've got to 'pay the piper.' Somehow we've got to find money for that $168 million. There aren't too many alternatives for that. I'm a champion for a few of them, but I will not mention it now. Thank you, very much."

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to ask for a ruling on a potential conflict. I service high tech industry clients in my firm. Thank you," and the Chair ruled, "no conflict."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my reservations and I have short comments. Mr. Speaker, I am supporting this bill for now with reservations. I think that the reservation that I have is, of course we don't want to do a deferral of these credits because a promise is a promise. That's what the law was at that time. People invested. They earned that credit. But Mr. Speaker, because of the situation we are in with the budget, I am moving forward, but I do have reservations. Thank you."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2962, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Ward voting no.

At 7:53 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2866, HD 1
H.B. No. 2867, HD 1
H.B. No. 2877, HD 1
H.B. No. 2962, HD 1

H.B. No. 2849, HD 1:

Representative B. Oshiro moved that H.B. No. 2849, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I stand in opposition to HB 2849, House Draft 1. It imposes a retroactive reserve housing requirement for residential and commercial planned development permits greater than 45 feet. And that's the definition that you folks are all familiar with, I'm sure. I do believe the Kakaako community should be composed of residential housing for all income levels, however this particular measure, we don't believe is the proper way to encourage that creation.

"According to the Land Use Research of Hawaii Foundation, there is no evidence that proves there's legal justification with the percentages allotted. Are they justified or constitutional? I agree with this Foundation, and the Hawaii Community Development Authority, that there needs to be more discussion before a measure is passed, with the stakeholders, with the landowners and the agencies, to develop a consensus of the goals, the initiatives, and how it's implemented. Thank you."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Belatti, Berg, Ching, Finnegan, Hanohano, C. Lee, Luke, Manahan, Marumoto, Morita, Pine, Saiki and Takumi voting no.

H.B. No. 2918, HD 1:

Representative B. Oshiro moved that H.B. No. 2918, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Manahan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO COMMUNITY DEVELOPMENT DISTRICT," passed Third Reading by a vote of 51 ayes.

H.B. No. 1752, HD 1:

Representative B. Oshiro moved that H.B. No. 1752, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. What this bill does is, it removes certain offenses from the Three Strikes Law, which I supported. You know, this has been a tool for those in law enforcement in helping to reduce some more serious crimes in the State of Hawaii. Enforcing this bill also eliminates felony convictions in other jurisdictions, which would allow career criminals from other states to move to Hawaii.

"When Karen Ertell died, this was a youth offender. But if he was an adult, we would have known about multiple offenses that did occur in New Zealand. Some of the things that this removes from the Three Strikes Law are ownership or possession of firearms and ammo of a convicted person. It eliminates criminal possession of drugs. It eliminates promoting a dangerous drug in a third degree, a detrimental drug in the first degree, a theft in the first and the second, theft of livestock, forgery in the second degree, criminal possession of a forgery device. I could go on and on if it was earlier in the day, but I just find that to do this multiple times, that means you are a career criminal. So even though these aren't murder, these are by my definition, very serious crimes, and these people should not be in my community."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of House Bill 1752, House Draft 1 is to increase judicial discretion by excluding certain non-violent offenders from the repeat offenders statute requiring mandatory minimum prison terms. The House is aware that the intent of this bill is to give back to Hawaii State judges discretion in sentencing certain defendants guilty of certain crimes as enumerated in the bill without requiring any minimum jail time or alternative sentencing methods if the circumstances do not require incarceration.

"Mandatory incarceration of defendants results in huge costs to the State and does not lead to a reduction in recidivism. According to the Judiciary, the incarceration of an adult defendant costs about $50,735 per year. The use of alternative courts, such as Drug Court or Hawaii's Opportunity Probation with Enforcement (HOPE) program, costs about $8,000 per year for each defendant. In addition, the rates of recidivism for defendants graduating from these alternative courts are markedly lower than those leaving incarceration. Thank you."

Representative Finnegan rose, stating:

"Regarding HB 1752, after looking at the bill, this one also has an upon approval effective date, so I just wanted Members to know that as well. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1752, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Finnegan, Har, Marumoto, Pine, Thielen and Ward voting no.

H.B. No. 1756, HD 1:

Representative B. Oshiro moved that H.B. No. 1756, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I am in opposition to this bill. HB 1756 would allow for the expungement of convictions for non-violent offenses that are over five years old. And the reason I'm against this, Mr. Speaker, is, I've been learning a lot about crime. I've been taking classes with the FBI to study criminal behavior and other things. What I'm finding out is that it's really hard to convict a violent offender of certain crimes.

"Let's use Al Capone for example. They could never get the guy. But they got him on something really tiny, and it was tax evasion, on multiple counts. And so what I'm studying in these different crime classes is that there are a lot of career criminals in our communities that the police or the FBI and other law enforcement have been trying to get for years on more serious crimes. But it is these smaller ones that the criminals slip a little more.

"So keeping their records on file has been a very helpful tool for law enforcement so they can keep track of these career criminals and perhaps start flagging them as potential criminals that will do much more serious crimes. And perhaps for these minor crimes, keeping them on record will help them to possibly put together cases that would allow them to have the evidence built over time, to actually convict some of these criminals that are being convicted for lesser crimes, for the more harsher crimes that they are committing. Thank you."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. House Bill 1756, House Draft 1 allows for the expungement of convictions for non-violent offenses after a five year waiting period after the completion of sentencing or probation for the offense to be expunged, whichever is later, before an application for expungement may be filed with the court. It prohibits the expungement of a conviction for any crime that is not eligible for a deferred acceptance of a guilty plea or nolo contendere plea. The court shall determine that the defendant is not likely to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the conviction remain on the applicant's record before issuing an expungement order.

"This bill works together with the Judiciary budget bill that includes the funding for the specialty courts that help people who commit non-violent crimes to turn their lives around. Upon completion of their sentencing or probation, an expungement of convictions for non-violent offenses will help these individuals to get jobs and be productive citizens in our community. Thank you."

At 8:00 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:06 o'clock p.m.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is on Stand. Com. Rep. No. 540, HB 1756. I will be voting no. This does have an effective date upon approval from what I can see, so we may not see it again."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 1756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Cabanilla, Ching, Finnegan, Har, Marumoto, McKelvey, Pine, Thielen and Ward voting no.

At 8:10 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2849, HD 1
H.B. No. 2918, HD 1
H.B. No. 1752, HD 1
H.B. No. 1756, HD 1

At this time, the Chair stated:

"Members of the House, at this time we are at the items at the end of the calendar. We will be taking up the four items that were moved to the end of the calendar this morning.

"We will be taking up two measures. On page 16, Stand. Com. Rep. No. 579-10, HB No. 2376, HD 3, which is the Board of Education constitutional amendment. And on page 22, Stand. Com. Rep. No. 645-10, HB No. 2377, HD 3, which is the statutory language for the Board of Education reorganization.

"So we will be taking up those two measures at one time, since they both are related to one another."

Representative Tokioka rose, stating:

"Yes, Mr. Speaker. I rise on a point of inquiry. Mr. Speaker, we've been in this Chamber since roughly 10 o'clock, deliberating on bills, and I noticed something different for the entire day. I noticed that there was an additional camera in the room today, Mr. Speaker. So my inquiry is, if this camera is public record, and if I as a Member can ask for a copy of that?

"I know that there are 6 other cameras in this Chamber that are used by Capitol TV, and we budgeted $175,000 for this. After we split with the Senate, that's about $85,000. But I do know that when we ask for a copy of the hearings or the proceedings, that we get that information. So I would just like to make that point of inquiry, Mr. Speaker."

At 8:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:14 o'clock p.m.

At this time, the Chair recognized Representative Finnegan, stating:

"An inquiry was posed by one of our Majority members, and the Minority Leader will respond to the inquiry that was posed to the Members of this Body."

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. I appreciate the question. For clarification, Mr. Speaker, let me just start off by saying that any, at least the equipment that the Minority Caucus has been using to tape this, is privately owned. Pretty much from these public cameras, we are not able to really use them when we are trying to do either YouTube, or communicate with our districts. And so on our own, and with the personal funds of some of our really dedicated employees, they decided to purchase equipment and use that to record events.

"I would just also like to add that I think it's very important that we remain as a Body, as open as possible. In fact, open to the public and very transparent. I think that this allows us to do so. Thank you."

The Chair addressed Representative Tokioka, stating:

"Thank you, very much. Has she responded to your inquiry, Representative Tokioka?"

Representative Tokioka responded, stating:

"Thank you, Mr. Speaker. I guess we can take that answer. But as far as being open, as I mentioned earlier, we have six cameras in here, and they have pretty good angles of the room. I think that's kind of open. As I said, we spend $85,000 a year on providing information to the public. I think that's sufficient."

Representative Finnegan: "Mr. Speaker, I'm just wondering, why does this concern him? We're recording it with personal equipment. Even if it is being paid, the other equipment is being paid by this Body and the Senate, it is equipment that is personally owned that is being used to record our sessions so that we can communicate to our districts as to what took place. We can't use the video tape that is ..."

Representative B. Oshiro rose to a point of order, stating:

"Point of order Mr. Speaker. This is not a debate. Can we take this offline and not on the record and in the Journal?"

Representative Finnegan: "Mr. Speaker, I believe that the Members on that side started the conversation and implied that it was wrong to do so."

Speaker Say: "The inquiry was posed primarily because some of the Members felt that if it was public money, it should be open to the Members of this Body. Since private sources have been used to acquire the property and the equipment, it is the right of the GOP or the Republican Minority Caucus to do that. His inquiry was because he wanted to find out of it was privately bought or publicly bought. If it was publicly bought, then I think we'd have a decision that it should be shared among all Members of this Body."

Representative Finnegan: "Mr. Speaker, I agree except for the second comment that had nothing to do with that."

Representative Tokioka: "If I offended anyone, I meant no offense by that. I just inquired. I wasn't accusing. Thank you, Mr. Speaker."

END OF CALENDAR

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 579-10) recommending that H.B. No. 2376, HD 2, as amended in HD 3, pass Third Reading; and

(Stand. Com. Rep. No. 645-10) recommending that H.B. No. 2377, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 2376, HD 3, and H.B. No. 2377, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Souki rose to speak in opposition to H.B. No. 2376, HD 3, stating:

"Yes Mr. Speaker, I am opposed to this first measure. I believe that the request for a constitutional amendment to change the composition of the Board is an overreaction because of the Furlough Fridays. And I believe that the impetus of this is too much haste and not enough thought. We have another bill, and I am going to reserve my remarks for the second bill that we are going to be discussing until later. But in regard to the constitutional amendment, I don't believe we need an amendment now. We may need it in the future, after we have had a lot of thought.

"I would like to see a committee be set up by you and the President of the Senate to study this during the interim. Then come back to the Legislature next year, and come up with the recommendation. That would

give enough time for people to settle down, and not get into the fervor of Furlough Friday.

"In respect to the three Governors, I served with all three of them, at different times of course. I can't remember any of them coming up with any recommendations for changes in the education system, or in the Board system. So it was quite a surprise to me. Thank you, very much."

Representative Finnegan rose to speak on both measures, stating:

"Mr. Speaker, I know we're taking up two measures, so I would like to be very clear on my votes on both issues. On Stand. Com. Rep. No. 579, the constitutional amendment for the Board of Education, I will be voting with reservations. And for the other bill with the statutory changes, on that bill I will be voting no.

"Mr. Speaker, on the first constitutional amendment question. First of all I did want to provide some comment on what the previous speaker just said. If I'm not mistaken, and I didn't research this, but if I'm not mistaken, Governor Cayetano actually did a Blue Ribbon report I think, recommending local school boards. I can't remember, but I think I remember something like that.

"Anyway, the constitutional amendment on the Board of Education. The Minority has offered a couple bills, and we offered a very similar bill to this, but instead we said to abolish the Board. The Governor also introduced a bill that said to abolish the Board and replace it with the Superintendent being appointed as a cabinet member of the Governor.

"And the reason why I'm with reservations is, as this moves forward, I would rather like to see a constitutional amendment more like the Governor's, where it focuses in on direct accountability, and responsibility to the Governor. So I'd rather see that.

"Now, speaking on the second bill that we're taking up, it has to do with the implementation language. This one gets a little confusing for me, and that's why I'm voting no. What I hope everybody wants here is more accountability within the system. What you have in the bill is, it creates a council. And this council has representation that is, I guess appointed by different members of different groups.

"Well what happens in this case is, to me, it gets, again, more gray on whether or not the Governor has direct accountability or responsibility of the education system. You go through a council, and I know it's modeled after the Board of Regents. But you go through a council, and then after you go to that council, then they recommend to the Governor and of course, she gets to choose. Then it goes down to advise and consent with the Senate.

"Mr. Speaker, I think it's really important that we keep that line very direct from the Governor to appoint the Superintendent. And if there should be a Board, to appoint the Board, because that would be much clearer for accountability. Some people are worried about the ability to have community involvement. And if we truly want community involvement, I think that that direct accountability with the Governor and appointing the Superintendent, as well as appointing the possible Board members, that you would get accountability. And you could push the decision making down, and decentralized to where it matters, where that's at the school level.

"And going further into that, we passed a tool, called Weighted Student Formula, in Act 51, where we're supposed to, or I would like to see, most of the money, at least 90, 70, 80, and then 90%, to the classroom level. Because the way I put it, is those with the gold will make the rules, and then they will have the ability to have decentralization, at the school level, to make the decisions that they need to do, to prioritize the spending, to prioritize their needs, to meet the needs of the student.

"Mr. Speaker, I think that that's what we need to do for our *keiki*, so that we can, as much as possible, avoid situations like Furlough Fridays. It's really giving that community of community, principal, and teachers, the ability to make the decisions and prioritize the way that they're going to be spending that money. And then clear direction from the Governor and the Superintendent appointed by the Governor, and an appointed Board if that's how it ends up being, by the Governor. Thank you."

Representative Ito rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like a ruling on a possible conflict. My daughter works for the Board of Education," and the Chair ruled, "no conflict."

Representative Belatti rose to speak in support of H.B. No. 2376, HD 3, stating:

"Thank you. I am in strong support for HB 2376, HD3, and I request to submit written comments."

Representative Belatti's written remarks are as follows:

"I rise in support of HB 2376, HD 3 which gives the public the opportunity to vote on the governance structure of public education in Hawaii. Critics of this bill describe it as an overreaction to the current Furlough Friday crisis that does not directly tackle the problems causing the Furlough Fridays. I disagree. What has become apparent through Furlough Fridays is that there is a lack of accountability for all the adults who have a role in the educational system and it is far too easy to engage in a blame game by pointing fingers at the Governor, the elected Board of Education, the Hawaii State Teachers Association, and the Legislature.

"Although this bill is not a panacea for student achievement, it is a step in the right direction of bringing greater accountability to our public education system. Ultimately, the hope is that this measure will provide leadership that is able to restructure and decentralize public education down to the school and principal level within our unique statewide school district and achieve the goals of increasing student achievement, improving teaching and learning, and providing a quality education for the students of Hawaii.

"I believe that an appointed school board will clear up mixed priorities, conflicted leadership and a lack of accountability and I firmly believe that the choice of an elected versus an appointed school board should be placed before the electorate for a vote. For these reasons, I support HB 2376, HD3."

Representative Souki rose to speak in opposition to H.B. No. 2377, HD 3, stating:

"Yes, Mr. Speaker. I would like to speak on the second measure. In regards to the Board of Education, I believe that the Governor, and the governing system that we have right now, is overly centralized at this point. We have one of the most centralized governments in the whole United States. It's a huge responsibility for one person, and it kind of reflects to some degree on what is going on right now.

"The Education budget is approximately $3 billion. More than half of our annual State budget. Now to expect one person, one Governor, who is also responsible for Health, who is also responsible for Human Services, also responsible for Transportation which includes highways, harbors, airports, and then the Board of Education, all of that, besides the tons of Committees that we also have. To be responsible for all of that and to be able to keep track of everything, it's very difficult for one person. You become very dependent on many, many people. And that becomes very subjective as they get up to the Governor.

"Now I would like to see a continued electoral system. There's no better accountability than an elected accountability. With the present system that we have right now, the Board is too small. It doesn't provide accountability for different districts in Honolulu. It doesn't provide accountability for each individual island, each Neighbor Island. On the Island of Maui, you're combined with two or three other islands. There is no accountability there for that particular Board member. I think we should reconstitute the Board, and this is why I would want a deliberate effort during the summertime, during the interim, to look at what kind of Board that we would need. What size and how many people do we need? And in the end, it could be that we want an appointed Board. But not now. We're not ready for it right now.

"We're doing this in too much haste. So let's sit back. But remember this, there is nothing more accountable than an elected person to his or her electorate. Not an appointed Board who has no accountability. Yes, the Governor is accountable. But when you have individual Board members elected by their particular districts, they're accountable to their district and you know that they're going to do their best. They're going to do the best they can so that they can get reelected again. That is the inducement. An appointed Board doesn't have that same kind of inducement as an elected Board.

"So Members, all I ask of you is try to lay back a little bit. Don't be hasty. We don't have to act on it right now. The Board is not doing that bad a job where the whole world is going to fall apart. Just wait a little bit. Thank you, very much."

Representative McKelvey rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. In opposition to both measures, and may I have the words of the speaker from Wailuku entered into the record as if they were my own. And I have some brief comments if I may. I know it's getting late. I'm just kind of, I guess, taken aback by the Republican position, because just a few years ago the position of the Party seemed to be for local school boards. Now they're going towards one person in the Governor's cabinet? I think that's going completely in the opposite direction of accountability.

"But back to the bills themselves. I agree with the Speaker Emeritus. I think what we need to do is use this and look at this issue. But I think at the end of the day, we have to have a serious conversation in the off-Session about locally elected school boards. Thank you, very much."

Representative Takumi rose to speak in support of both measures, stating:

"Thank you very much, Mr. Speaker. In support of both measures, and just a quick response to some of the comments that have been made on the Floor. I do realize that there is no 'silver bullet' when it comes to education reform. And it is true that the research that relates student achievement or the potential for increased student achievement, and the Governor's model of a particular state or school district, there really is no bright line nexus. But that said, I do believe this approach is worth a try.

"Now let me comment on a couple things. Taking off from just what the previous speaker said. It's very interesting to me that the Administration proposed initially, this year, a bill to abolish the Board, so we would follow two other states with no state board of education. We would have, if you will, an education 'czar,' a cabinet member, a one-person school board and department head all rolled into one. This is coming on the heels of in 2004, of proposing at least 7 local elected school boards. And I don't want to rehash that one, but needless to say, in that bill if you recall, for those of us who were here, those 7 local school boards could also morph into other school boards. So like a bad 'Petri dish' experiment, they could just kind of morph, and divide and go on.

"If you look at the 15,000 school districts in our country with an average size of 2,500 students, which is about the size of Campbell High School or Farrington High School, that would mean we would have about 70 local elected school boards. So the intent and the design and the hope at that time, was that you would have this local, grass roots, elected by the people, let the people decide, that sort of thing. And now the Governor has proposed consolidating all of that into one person. So philosophically, the premise to me is diametrically opposed.

"But that notwithstanding, to respond to the speaker from Maui, the Speaker Emeritus. Yes, maybe we ought to think about this and put some thought into it, but there have been permutations of an appointed board and an elected board introduced many times over the years. Now one of them during my time actually made it to the ballot, but we have put it out before the people of the State, after we became an elected board in 1964, two times, whether or not we should have an appointed board.

"The bill itself, Mr. Speaker, the constitutional amendment bill, merely says, shall there be an appointed board, appointed by the Governor, subject to Senate confirmation. And all the rest would be decided by law. So the concern expressed by the Speaker Emeritus, we would be able to take care of that. If the voters of this State decide if it indeed is put on the ballot, if we decide we would have an appointed board, we have the underlying bill, but that bill, again, it would be subjected to law. We can make changes. Right now the bill says eight members, one student non-voting member, seven appointed members, one from Kauai, one from the Big Island, one from Maui and four from Oahu. That can change. We can say because again, it will be determined by law, the terms, the staggering, all the rest.

"Last point, Mr. Speaker. We talk about the University of Hawaii, and this bill, to some degree, is mirrored after the Board of Regents, the way they are done. But keep in mind, in this bill, the Governor appoints the Chair or nominates the Chair of the Board of Education. That is not true with the Board of Regents. The Board of Regents, though, let's keep in mind, the University of Hawaii, over 80% plus of that budget is paid for by taxpayers. And yet it is appointed by the Governor as a result of the selection Council, and it seems to have worked well. It seems to me we ought to at least try that in the K to 12 system, and see whether or not that works well. Thank you."

Representative Ching rose to speak in support of both measures with reservations, stating:

"Thank you Mr. Speaker, just reservations on both measures, and I wish to have some remarks entered in the Journal. But I do just want to say, those comments about the Minority Caucus and our positions. What we just note is that what we have now isn't working as it should. It's not working to the level that we know we can. And it's so easy to become sweeping about concepts, and election, but the reality is that whereas perhaps in our legislative elected positions, people know who their Representative is, and even then I wonder sometimes. Or they know their Senator. The reality is that when asked, I think most of our people, our voters, really don't know who their Board of Education person is.

"So in terms of accountability, not all fruit are the same. It's apples and oranges sometimes. And that's the thing. Being a former educator, there are nuances, you know. It almost is that you have to be so aware of the fine line with some of the things that work. But we know that what is going on right now doesn't work. So let's move, let's shift, and let's try something else. And I think we need to do it right away, I think if you talk to your constituents. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with strong reservations to H.B. 2377 HD2 and H.B. 2376 HD2 which amends the Constitution to establish the BOE as a Board appointed by the Governor.

"As the Hawaii Business Roundtable has testified, "the current governance structure is ambiguous and has led to mixed priorities, conflicted leadership and a lack of accountability." I stand by the Hawaii Association of Independent Schools, who state that, "the members of the Board of Education would be appointed by the Governor." However, I have seen the affect of Senate approvals, and urge caution as there is no need to politicize the approval of candidates. Therefore, I have concerns with these measures due to the fact that these bills have the appearance of education reform, but merely change the process of selection. Thank you."

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I rise with reservations on both measures. Mr. Speaker, when you live in a round house, you can never be cornered. It's impossible. It's structured in such a way you cannot be cornered. I think the other analogy or metaphor is, Congressman Abercrombie said that, the present structure of education is like a rectangular firing squad, all aiming at each other. And I think maybe a little bit we're already doing that on the Floor here.

"But the bottom line is accountability. Checks and balances. If something doesn't happen, you know who it is. Americans are very pragmatic people. If it doesn't work, let's change it. But Mr. Speaker, from Governors Ariyoshi, Cayetano, Waihee, to Lingle, who basically together signed a proclamation saying let's do something different. One of which is this bill. Let's get an appointed Board of Education, so we can tweak it and try it, to see if it works any better than what we're doing. Because right now it's not working very well, Mr. Speaker. Everybody will admit that. But we have got to get off the dime.

"Now this is not the perfect explanation. The Governor putting it into a czar, or one person, is a compromise to what maybe seven years ago when she was kind of pushed back, knocked down, and otherwise saying, 'Don't you dare decentralize. Don't you dare put your communities in charge of these schools.' And that went out the window. But Mr. Speaker, each of us represent a district. We've got 25 to 30,000 people that we have to report to. If we're not doing our jobs, we're out of here. Right? In the Board of Education, if we represented all of Oahu, who would know from where or what was being done by whom? It wouldn't happen.

"So if we break it down into smaller pieces, on the electoral level, it makes sense. But if we can't do that, given what happened six or seven years ago, let's try the appointed. This is not the 'silver bullet.' It's not the best way, but it's another way of getting accountability, and getting results. Because if that doesn't happen, you know, we're really going to be in serious trouble. Thank you."

Representative C. Lee rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I just wanted to follow up, in support. I understand the comments made by the Representative from Wailuku, as well as the Education Chair. But I did want to say, actually following up on the Representative from Liliha's comments earlier. Ironically, in the Finance Committee, when we were debating these bills, I just for fun polled the audience. And this was an audience of education advocates of all stripes. I asked them whether or not they could name the Board of Education member in their area, and less than half of the audience could, which I think is telling, considering I would bet that they would not be able to mention anything else about any positions these people might have. So I think a continued discussion on the matter is positive."

Representative Takai rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, I rise in support of both measures. Thank you. I'd like the words of the Chairman from the Education Committee be entered into the Journal as if they were my own. Thank you Mr. Speaker, I just wanted to mention a couple things.

"The first one is, I already spoke on these two particular measures twice, coming out of Education and Judiciary. And I did have some concerns. In fact, I had some grave concerns regarding the makeup of this newly appointed Board and the fact that originally there were no geographic requirements. Finance cleaned it up. In fact it's a great bill. My only concern is, and I know we can work on this as we move through the process. Even after the voters of this State hopefully approve this constitutional amendment, my only concern is that there are people out there that are still pushing for the student on the Board of Education to be a voting member. I support a voting student on the Board of Education. However, I think the way that it's crafted, it will allow us to work on this as we go through the process.

"A few years ago, we passed the voting student on the Board of Education, and that was through a law. These measures will allow us to do that, should a Legislature in the future choose to do so.

"The final thing I wanted to mention is that, this has been talked about, researched, heard in Committees, many, many, many times. In fact, the last time we had this ballot question on the ballot, was in 1994. And unfortunately, back then, the voters of this State did not support an appointed Board. But I do believe now, with the consensus building across the State, including the members of the Hawaii Business Round Table, and even the Hawaii Association of Independent Schools now supporting this particular measure. I think the ground swell of support has risen to a level that we can now place this on the ballot, again, and hopefully the voters of this State will support an appointed Board of Education. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I'm still standing with the same votes on both measures. Mr. Speaker, I did want to make a comment, and thank the Education Chair and Finance Chair for the changes that were made in this bill. I think you have a little bit more accountability with the appointed Chair by the next Governor, or future Governors, I think that's a very positive move in, what I would consider, I guess, for me it would be a compromise from where we were at before. But Mr. Speaker, I'd like to speak to the point of, 'Wow. Look. Their ideas changed from 2004 till now.'

"Mr. Speaker, yes. Local school boards are something that I think a majority of, at the time, Republican members were for. It was about change. It was about doing something. It was about a State that was demanding that the Legislature do something about education. That bill, I believe, had one committee hearing. And at that point in time, with that committee hearing, there were all kinds of extremes. Are we going to have 14,000 school boards? Are we going to have one school board? Are we going to have seven school boards, are we going to have four school boards. There was all kinds of stuff thrown out there. That's in one hearing.

"What do we do in a sample bill that comes through this Session, it's never entered perfectly. It's never filed perfectly. You make changes throughout the whole time. But I believe there was just one hearing. And there were extremes being thrown out there on what was going to happen. But instead, to answer the community, the State's cry to do something about education, what was proposed and passed, was Act 51. That was an experiment. Something like what we're, you know, it was basically putting ideas together and passing it out as law, and making the system change, and it was supposed to be reinventing, so it changed everything on education, or the things that needed to be changed. Some of the major parts in that bill was we're going to put the services from other departments and put it into the Department of Education so that they could have the control. Year after year we started taking it out. Year after year there are, there's the audit on the procurement that said they couldn't handle it.

"Mr. Speaker, not only that, but we had, another part of the bill was about principal contracts. And the principal contracts are nowhere off into being approved. It stalled. We're not going to get it.

"Mr. Speaker, there was also another part of it that had to do with science text books and all of that kind of stuff, and DOE and I can't remember …"

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, I believe you are steering off these two measures that are before us, because you're reflecting on Act 51."

Representative Finnegan: "I am Mr. Speaker, because I'm talking about education reform, Mr. Speaker."

Speaker Say: "Representative Finnegan, your time has expired, your three minutes."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. The reason why I talk about these things is because we're talking about education reform. Act 51 is an experiment, the things that we are providing today is an experiment, but it was some merit, because people have been studying these issues and trying to put something forward.

"The other thing is, we talk about this education czar. Two examples of this education czar. Mike Strembitsky, he was the original area in which we adopted Act 51 and weighted student formula for. Basically that's what

he did. What I explained earlier when I spoke before this, is that he was one person that pushed decentralization down to the schools, and turned it around and said, 'You've got the money. Now you make the decisions.'

"Two years after they implemented the weighted student formula in that area in Canada, unionized principals and teachers said, and I spoke to the union president, and they were both in the same union. They visited here in Hawaii, and they said, 'Don't take away this decision making authority, and don't take away our money. Do not change it.' And at that point in time, there was only 70% at the school level.

"Mr. Speaker, going back to one more point in the reform of Act 51, is we were supposed to get to 70%, but right now we're at 40%, and this is 6 years later.

"Mr. Speaker, this is really important. Education is really important. We need to make some foundational changes. Real changes. And I am so glad that we are moving these bills forward, because this is where we can make some fundamental changes. Anyway Mr. Speaker, I just think that we definitely need to make these kinds of changes, and I hope that the folks that are against these moves, that they allow us to move forward."

Representative Herkes rose to speak in support of both measures, stating:

"Thank you. In support. When I listen to a lot of the things about the regional school boards and so on, and so forth, Ka'u is bigger than this island. I represent 12 schools. And they're all over the place. I invited the Chair of Education to come out to my schools. And you know, in the case of Ka'u High School, we talked about the Micronesians that don't speak English. One of them wasn't in school. They went to the house and said, 'How come you're not in school?' He said, 'Well, I went and had breakfast, and came home.' He didn't know he was supposed to go to class.

"So when you start thinking about regional school boards, the people that I represent, drive 100 miles to work, round trip each day. They're gone during the daylight. You can't expect them to get involved closely with the schools. And so we need some central control, in order to make sure that the rural guys don't just fall off the map.

"But let me tell you, on the bright side. I am always encouraged by the kind of scholarships that the kids from Ka'u High School end up with. I'll use my granddaughter as an example. She graduated from Honokaa High School, a dysfunctional school. She graduated with honors. Then she graduated from George Washington University in three years with honors. So she obviously learned something. So the other thing I say to parents is, 'Look in the mirror.'"

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2376, HD 3, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Awana, Carroll, Hanohano, McKelvey, Rhoads and Souki voting no; and

H.B. No. 2377, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Awana, Carroll, Finnegan, Hanohano, McKelvey, Rhoads and Souki voting no.

At 8:50 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2376, HD 3
H.B. No. 2377, HD 3

H.B. No. 2376, HD 3, passed Third Reading in the following form:

H.B. No. 2376, HD 3

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Article X, section 2, of the Hawaii Constitution is amended to read as follows:

"**BOARD OF EDUCATION**

Section 2. There shall be a board of education [~~composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education~~]. The governor shall nominate and, by and with the advice and consent of the senate, appoint the members of the board of education, as provided by law."

SECTION 2. The question to be printed on the ballot shall be as follows:

"Shall the members of the board of education be nominated and, by and with the advice and consent of the senate, appointed by the governor, as provided by law?"

SECTION 3. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 4. These amendments shall take effect on July 1, 2020, and upon compliance with article XVII, section 3, of the Hawaii Constitution.

H.B. No. 2963:

Representative B. Oshiro moved that H.B. No. 2963, pass Third Reading, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of HB 2963. Thank you, Mr. Speaker. The Rainy Day Fund was created by this Legislature in 1999 for the use in times of emergency. The purpose of the Fund was to maintain levels of programs determined to be essential, such as public safety, health, welfare, and education. According to the school calendar on the Department of Education website, the regular calendar would have amounted to 184 school days prior to the furloughs.

"With the furloughs, Mr. Speaker, the total number of instructional days for the 2009-2010 school year will be 163. 163 instructional days represents the lowest number of school days in the nation. This is not acceptable. Therefore, using part of the Rainy Day Fund for education, would be in the parameters for what this Fund was established for. However, I humbly request that Members view this Fund as a source of funding, not the only source of funding for education, and that Members be open, and remain open to the use of this Fund for healthcare and human services also. Thank you Mr. Speaker."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? My law firm is representing a class of students who are trying to end the Furlough Fridays. Thank you," and the Chair ruled, "no conflict."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I guess I keep banging my head against a wall. I'm for this measure with reservations. I understand the need for this. It's for emergency purposes, like we have now. However, the problem that I have is the bond market has already stated that using the Emergency Fund and the Hurricane Fund could jeopardize our bond rating. That's number one.

"Number two is that this money, even though it's from the general fund and will be going to an appropriation, I would imagine for the budget for education. However, it is well known that this $50 million is to remedy the furlough problem that we have now. And that's a very noble thing. However, unless the situation is resolved between the Governor, the Board of Education and the Union, if the money is appropriated and if it's not resolved, it is very likely that the money appropriated, will be restricted by the Governor. If the Governor restricts the money, that's money that could have been used for something else. It could be used for human services. It could be used for health. But this money then will be just lying idle, restricted by the Governor. If no agreement is reached between the Union, the Board and the Governor, this is a fact. So Members, think about that. Thank you, very much."

Representative Yamane rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm standing up in support with reservations. A few comments Mr. Speaker, regarding my reservations. Trying to address this budget shortfall and making sure students get the appropriate education and educational time is one of the major things that we need to address this Legislative Session. But Mr. Speaker, I do want to express some caution in regards to using the Emergency and Budget Reserve Fund.

"You know Mr. Speaker, it is accurate that with this Fund, you can maintain levels of programs with this money for essential public health, safety, welfare, and education, Mr. Speaker. However, in the legislation, it also says that the Fund cannot be used to fund cost items in any collective bargaining contract.

"So I understand the method of moving the money from the Rainy Day Fund to general fund to be used to address this collective bargaining issue of furlough days. However Mr. Speaker, as we face these economic situations, we really have to address the shortfalls in our health and human service programs. And pitting potential programs that address *kupuna* care and *keiki* care, with issues of furloughs and teachers, I think is a bad policy issue. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representatives Souki and Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2963. As a former teacher it pains me to see publications such as the *New York Times* talking about how Hawaii has the fewest school days and that our education system is in dire straits. The children of Hawaii are our greatest resource and we owe it to them to provide a scholastic environment that is conducive to success, not failure.

"Children need consistency and routine when it comes to education and the current system of Furlough Fridays provides neither. Furloughs not only harm our children, but they also put an unneeded burden upon the parents. In these economic times, families are having enough trouble putting food on the table and clothes on their children's backs. These furlough days require parents to take days off from work, seek daycare, and add unnecessary worry about their children's educational future.

"Being a former teacher allows me a certain insight into this problem. I know from years of teaching experience that we must get our children back into school. Thank you."

Representative Manahan rose in support of the measure with reservations and asked that the remarks of Representatives Souki and Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, I think it boils down to basically political will and a matter of priorities. I think the Chair of Health brings up a technical difficulty. There's not really any difficulty in changing that particular collective bargaining whenever that outlaws the use of that particular Fund. But we have to get our priorities straight, Mr. Speaker. The Representative from Maui said that we spend $3 billion on education. I think if we throw in the University of Hawaii you could probably say that.

"That means as policy makers, our best and biggest, and most important policy is education, if you follow the money, right? So Mr. Speaker, we've got to end these furloughs. This is the beginning, even if it's a negotiated beginning. It's a time to sit down and say, 'Look, are we going to have a priority? Or are we not going to have a priority?' Do we really believe in the education of our kids or not. Fish or cut bait. Get on with it, or not get on with it. This is the one, regardless of all the other needs that we have, we've got to prioritize. And this is the beginning. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition to this bill. Mr. Speaker, I am taking a very hard line on this. From the beginning I said that I wasn't going to vote for raiding the Rainy Day Fund for education and this collective bargaining agreement. Mr. Speaker, I feel like the system is holding the students hostage. You know, we're not going to get education unless you fund them wholly. Raise, taxes, do whatever you need to, but you have to fund them wholly. We can't even identify what is adequate funding, even in good times in our budget.

"Number one, I believe that this enables the broken system. Number two, I want to adopt the words from Speaker Emeritus, from Maui, as well as the words from the Chair of Health for their reasons. Thank you.

"Mr. Speaker, also, remember that this is the Board that, when they're given suggestions to cut, that they can't make those decisions. The suggestions to cut from the Department of Education, that they can't make those decisions. In fact, they're the very ones that sent us over legislation because they couldn't do it, as a Board. They sent us the legislation that told us to ban ice cream and candy.

"Mr. Speaker, they should be able to find at least some of the money to pay for Furlough Fridays within the existing $2 point something billion. The largest budget for a Department that we have. In turn, we, as in the other departments and the State, suffer in small departments, like Agriculture, or DLNR. These budgets are so small, and you're squeezing them, because, for the sake of education, for the protection of education. We need to look at that and we say, you're talking about this whole $2 point something billion that you cannot and will not cut enough to pay for Furlough Fridays. Teachers and principals know that there is waste in the Department of Education. They understand priorities. And they understand that Furlough Fridays and instructional time is a number one priority. But yet, all these other things are being funded before that.

"Mr. Speaker, we have to make hard choices. That's what we're being asked to do. And as much as I want to end Furlough Fridays, I cannot continue to sit or stand here enabling a broken system that won't look within itself, or doesn't have the ability to look within itself, or have the

board members that will make the tough decisions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 2963, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FROM THE EMERGENCY AND BUDGET RESERVE FUND FOR EDUCATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cabanilla and Finnegan voting no.

At 9:03 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2963

H.B. No. 2737, HD 1:

By unanimous consent, action was deferred one legislative day.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 72 through 74) and concurrent resolutions (H.C.R. Nos. 131 through 134) were referred to Printing and further action was deferred:

H.R. No. 72, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Brower, Manahan, Mizuno, Nishimoto and Wakai.

H.R. No. 73, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS "CASH FOR CLUNKERS" LEGISLATION IN THE SECOND SESSION OF THE 111TH CONGRESS," was offered by Representative Mizuno.

H.R. No. 74, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PHILIPPINE TARSIER FOUNDATION," was offered by Representative Mizuno.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Brower, Manahan, Mizuno, Nishimoto and Wakai.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS "CASH FOR CLUNKERS" LEGISLATION IN THE SECOND SESSION OF THE 111TH CONGRESS," was offered by Representative Mizuno.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE PHILIPPINE TARSIER FOUNDATION," was offered by Representative Mizuno.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE MANAGEMENT AND FINANCIAL AUDIT OF FOR-PROFIT ENTITIES CONTRACTED AS MANAGED CARE PROVIDERS FOR THE DEPARTMENT OF HUMAN SERVICES'S QUEST EXPANDED ACCESS PROGRAM," was offered by Representative Mizuno.

ADJOURNMENT

At 9:04 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 3, 2010.

HOUSE COMMUNICATIONS

"March 2, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle,

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bills, copies of which are attached hereto:

H.B. No. 1205, H.D. 1, entitled:

"PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII, RELATING TO TAX INCREMENT BONDS."

H.B. No. 2376, H.D. 3, entitled:

"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

Said measures passed Third Reading in the House of Representatives on this date.

Respectfully,
/s/ P Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosures

CC: Carol Taniguchi, Clerk of the Senate
Scott Nago, Chief Election Officer"

TWENTY-THIRD DAY

Wednesday, March 3, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:11 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Ms. Seiko Chow, 7th grader at Aliamanu Middle School, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Marumoto and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 193 through 196) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 193, dated February 26, 2010, transmitting the Aloha Tower Development Corporation Annual Report 2009 (HRS 206-J).

Gov. Msg. No. 194, dated March 2, 2010, transmitting the Hawaii 3Rs School Repair and Maintenance Fund report prepared by the Department of Education in response to Section 302A-1502.4.

Gov. Msg. No. 195, dated February 26, 2010, transmitting the Final Report from the Department of Transportation on Act 100, Session Laws of Hawaii 2009; the report relates to the Safe Routes to School Program.

Gov. Msg. No. 196, dated February 23, 2010, transmitting the Governor's reports pursuant to provisions of Act 162, SLH 2009, the General Appropriations Act of 2009.

The following message from the Governor (Gov. Msg. No. 197) was received and announced by the Clerk:

Gov. Msg. No. 197, transmitting her statement of objections to S.B. No. 1311, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
March 2, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1311

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1311 entitled "A Bill for an Act Relating Aquatic Resources."

The purpose of this bill is to exempt the University of Hawaii from any law that requires a permit or application to carry out repair and maintenance of the Hawaii Marine Laboratory Refuge. The bill also allows the University of Hawaii to use Department of Land and Natural Resources staff without charge.

This bill is objectionable because it grants the University of Hawaii an overly broad and unnecessary exemption from permitting requirements that protect and preserve Hawaii's natural public trust resources.

A permit allows a privilege conveyed to individuals or agencies to perform an activity not normally available to the general public. A permit carries a responsibility to uphold high standards that will benefit society and protect our environment. To exempt a single State agency, in this case the Hawaii Institute of Marine Biology, from this obligation is inappropriate and conveys to them disproportionate powers without adequate public accountability.

The legislation fails to define what constitutes repair and maintenance activities. It is unclear what projects would be granted a permitting exemption under this measure. The lack of guidance provided by the ambiguous bill language could exempt a broad range of activities from the State's permitting requirements.

Further, the measure is unnecessary since routine repair and maintenance of facilities existing in conservation districts are already permissible under current conservation district rules. Any activities that extend beyond basic repair and maintenance projects in a conservation district should be subject to the additional oversight and standards established in the permitting process.

Additionally, the bill would allow the University to use the Department of Land and Natural Resources staff at no charge in the operations of the Hawaii Institute of Marine Biology. The department does not have surplus personnel to take on additional responsibilities. This legislation would impose a durable and indeterminate potential fiscal liability on the Department of Land and Natural Resources.

For the foregoing reasons, I am returning Senate Bill No. 1311 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 32 through 321) were received and announced by the Clerk:

Sen. Com. No. 32, transmitting S.B. No. 707, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 33, transmitting S.B. No. 950, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 34, transmitting S.B. No. 1062, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 35, transmitting S.B. No. 1309, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 36, transmitting S.B. No. 2001, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 37, transmitting S.B. No. 2007, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUDGETARY POWERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 38, transmitting S.B. No. 2019, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 39, transmitting S.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 40, transmitting S.B. No. 2025, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 41, transmitting S.B. No. 2026, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 42, transmitting S.B. No. 2028, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 43, transmitting S.B. No. 2030, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 44, transmitting S.B. No. 2045, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 45, transmitting S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 46, transmitting S.B. No. 2052, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 47, transmitting S.B. No. 2054, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 48, transmitting S.B. No. 2068, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 49, transmitting S.B. No. 2081, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 50, transmitting S.B. No. 2083, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 51, transmitting S.B. No. 2099, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 52, transmitting S.B. No. 2100, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 53, transmitting S.B. No. 2102, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 54, transmitting S.B. No. 2103, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 55, transmitting S.B. No. 2105, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 56, transmitting S.B. No. 2107, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 57, transmitting S.B. No. 2108, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 58, transmitting S.B. No. 2109, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 59, transmitting S.B. No. 2110, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 60, transmitting S.B. No. 2111, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 61, transmitting S.B. No. 2115, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 62, transmitting S.B. No. 2116, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 63, transmitting S.B. No. 2117, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 64, transmitting S.B. No. 2120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 65, transmitting S.B. No. 2121, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 66, transmitting S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 67, transmitting S.B. No. 2124, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 68, transmitting S.B. No. 2137, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 69, transmitting S.B. No. 2139, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 70, transmitting S.B. No. 2141, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 71, transmitting S.B. No. 2143, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 72, transmitting S.B. No. 2144, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 73, transmitting S.B. No. 2145, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS

REGULATORY REVIEW BOARD," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 74, transmitting S.B. No. 2149, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 75, transmitting S.B. No. 2150, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 76, transmitting S.B. No. 2151, SD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 77, transmitting S.B. No. 2153, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DNA ANALYSIS FEE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 78, transmitting S.B. No. 2154, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 79, transmitting S.B. No. 2155, SD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDICIARY FEES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 80, transmitting S.B. No. 2156, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 81, transmitting S.B. No. 2157, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 82, transmitting S.B. No. 2159, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 83, transmitting S.B. No. 2162, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 84, transmitting S.B. No. 2163, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 85, transmitting S.B. No. 2164, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 86, transmitting S.B. No. 2165, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 87, transmitting S.B. No. 2169, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 88, transmitting S.B. No. 2172, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 89, transmitting S.B. No. 2173, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 90, transmitting S.B. No. 2174, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 91, transmitting S.B. No. 2175, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 92, transmitting S.B. No. 2182, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 93, transmitting S.B. No. 2183, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 94, transmitting S.B. No. 2187, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 95, transmitting S.B. No. 2188, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 96, transmitting S.B. No. 2205, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 97, transmitting S.B. No. 2213, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 98, transmitting S.B. No. 2220, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 99, transmitting S.B. No. 2222, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 100, transmitting S.B. No. 2226, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 101, transmitting S.B. No. 2231, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 102, transmitting S.B. No. 2236, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 103, transmitting S.B. No. 2249, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 104, transmitting S.B. No. 2251, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 105, transmitting S.B. No. 2252, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 106, transmitting S.B. No. 2254, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 107, transmitting S.B. No. 2256, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF

EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 108, transmitting S.B. No. 2257, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 109, transmitting S.B. No. 2267, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 110, transmitting S.B. No. 2268, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 111, transmitting S.B. No. 2270, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 112, transmitting S.B. No. 2271, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE PREMIUMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 113, transmitting S.B. No. 2274, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 114, transmitting S.B. No. 2276, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 115, transmitting S.B. No. 2277, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 116, transmitting S.B. No. 2278, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 117, transmitting S.B. No. 2287, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 118, transmitting S.B. No. 2290, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 119, transmitting S.B. No. 2291, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 120, transmitting S.B. No. 2323, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 121, transmitting S.B. No. 2324, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 122, transmitting S.B. No. 2325, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 123, transmitting S.B. No. 2331, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 124, transmitting S.B. No. 2335, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 125, transmitting S.B. No. 2336, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 126, transmitting S.B. No. 2339, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 127, transmitting S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 128, transmitting S.B. No. 2341, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 129, transmitting S.B. No. 2343, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE FOR MAMMOGRAMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 130, transmitting S.B. No. 2346, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 131, transmitting S.B. No. 2349, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 132, transmitting S.B. No. 2350, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 133, transmitting S.B. No. 2356, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LEAF BLOWERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 134, transmitting S.B. No. 2357, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 135, transmitting S.B. No. 2358, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 136, transmitting S.B. No. 2368, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 137, transmitting S.B. No. 2369, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 138, transmitting S.B. No. 2371, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 139, transmitting S.B. No. 2372, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SUNRISE REVIEWS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 140, transmitting S.B. No. 2373, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 141, transmitting S.B. No. 2378, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 142, transmitting S.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 143, transmitting S.B. No. 2385, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 144, transmitting S.B. No. 2386, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 145, transmitting S.B. No. 2387, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 146, transmitting S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 147, transmitting S.B. No. 2390, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 148, transmitting S.B. No. 2391, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 149, transmitting S.B. No. 2393, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 150, transmitting S.B. No. 2394, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 151, transmitting S.B. No. 2399, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 152, transmitting S.B. No. 2400, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 153, transmitting S.B. No. 2401, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 154, transmitting S.B. No. 2402, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 155, transmitting S.B. No. 2405, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 156, transmitting S.B. No. 2408, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 157, transmitting S.B. No. 2409, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 158, transmitting S.B. No. 2420, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 159, transmitting S.B. No. 2431, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 160, transmitting S.B. No. 2434, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 161, transmitting S.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 162, transmitting S.B. No. 2441, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 163, transmitting S.B. No. 2450, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MARIJUANA," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 164, transmitting S.B. No. 2451, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 165, transmitting S.B. No. 2452, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 166, transmitting S.B. No. 2454, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 167, transmitting S.B. No. 2455, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 168, transmitting S.B. No. 2460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE REHABILITATION TRUST FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 169, transmitting S.B. No. 2461, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 170, transmitting S.B. No. 2466, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WOMEN AND INFANT CHILDREN FARMERS' MARKET NUTRITION PROGRAM," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 171, transmitting S.B. No. 2469, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 172, transmitting S.B. No. 2470, SD 2, entitled: "A BILL FOR AN ACT RELATION TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 173, transmitting S.B. No. 2472, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 174, transmitting S.B. No. 2473, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 175, transmitting S.B. No. 2474, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 176, transmitting S.B. No. 2487, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 177, transmitting S.B. No. 2488, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 178, transmitting S.B. No. 2490, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 179, transmitting S.B. No. 2491, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 180, transmitting S.B. No. 2493, SD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO SETTLEMENT FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 181, transmitting S.B. No. 2494, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 182, transmitting S.B. No. 2500, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 183, transmitting S.B. No. 2501, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 184, transmitting S.B. No. 2502, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 185, transmitting S.B. No. 2520, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 186, transmitting S.B. No. 2523, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 187, transmitting S.B. No. 2526, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY FACILITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 188, transmitting S.B. No. 2529, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 189, transmitting S.B. No. 2531, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ARCHAEOLOGISTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 190, transmitting S.B. No. 2532, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 191, transmitting S.B. No. 2533, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 192, transmitting S.B. No. 2543, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 193, transmitting S.B. No. 2544, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 194, transmitting S.B. No. 2545, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 195, transmitting S.B. No. 2547, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 196, transmitting S.B. No. 2548, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 197, transmitting S.B. No. 2549, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 198, transmitting S.B. No. 2551, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY BUILDING PERMITTING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 199, transmitting S.B. No. 2559, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 200, transmitting S.B. No. 2563, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 201, transmitting S.B. No. 2564, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 202, transmitting S.B. No. 2565, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 203, transmitting S.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 204, transmitting S.B. No. 2567, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 205, transmitting S.B. No. 2570, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE

BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 206, transmitting S.B. No. 2571, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 207, transmitting S.B. No. 2575, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 208, transmitting S.B. No. 2576, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 209, transmitting S.B. No. 2578, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 210, transmitting S.B. No. 2788, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 211, transmitting S.B. No. 2589, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 212, transmitting S.B. No. 2591, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 213, transmitting S.B. No. 2592, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 214, transmitting S.B. No. 2593, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 215, transmitting S.B. No. 2594, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 216, transmitting S.B. No. 2595, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 217, transmitting S.B. No. 2597, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 218, transmitting S.B. No. 2598, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 219, transmitting S.B. No. 2599, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 220, transmitting S.B. No. 2600, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 221, transmitting S.B. No. 2601, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 222, transmitting S.B. No. 2603, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 223, transmitting S.B. No. 2604, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 224, transmitting S.B. No. 2607, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 225, transmitting S.B. No. 2610, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 226, transmitting S.B. No. 2611, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 227, transmitting S.B. No. 2614, entitled: "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 228, transmitting S.B. No. 2617, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 229, transmitting S.B. No. 2625, SD 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 230, transmitting S.B. No. 2626, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 231, transmitting S.B. No. 2643, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 232, transmitting S.B. No. 2646, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 233, transmitting S.B. No. 2649, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 234, transmitting S.B. No. 2650, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 235, transmitting S.B. No. 2659, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 236, transmitting S.B. No. 2661, SD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 237, transmitting S.B. No. 2662, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 238, transmitting S.B. No. 2669, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 239, transmitting S.B. No. 2676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 240, transmitting S.B. No. 2685, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 241, transmitting S.B. No. 2691, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 242, transmitting S.B. No. 2695, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 243, transmitting S.B. No. 2697, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 244, transmitting S.B. No. 2698, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 245, transmitting S.B. No. 2700, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DENTAL LICENSURE EXAMINATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 246, transmitting S.B. No. 2701, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 247, transmitting S.B. No. 2702, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 248, transmitting S.B. No. 2709, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 249, transmitting S.B. No. 2710, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BOARD MEETINGS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 250, transmitting S.B. No. 2715, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM INDUSTRY REPORTING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 251, transmitting S.B. No. 2716, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 252, transmitting S.B. No. 2726, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 253, transmitting S.B. No. 2728, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 254, transmitting S.B. No. 2729, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 255, transmitting S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 256, transmitting S.B. No. 2745, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 257, transmitting S.B. No. 2747, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 258, transmitting S.B. No. 2749, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 259, transmitting S.B. No. 2752, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 260, transmitting S.B. No. 2756, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 261, transmitting S.B. No. 2757, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 262, transmitting S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 263, transmitting S.B. No. 2768, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 264, transmitting S.B. No. 2770, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 265, transmitting S.B. No. 2771, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KALAUPAPA," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 266, transmitting S.B. No. 2772, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 267, transmitting S.B. No. 2775, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 268, transmitting S.B. No. 2779, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROCEDURES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 269, transmitting S.B. No. 2780, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 270, transmitting S.B. No. 2786, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 271, transmitting S.B. No. 2790, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 272, transmitting S.B. No. 2797, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 273, transmitting S.B. No. 2799, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 274, transmitting S.B. No. 2800, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 275, transmitting S.B. No. 2803, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 276, transmitting S.B. No. 2806, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 277, transmitting S.B. No. 2807, SD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 278, transmitting S.B. No. 2809, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 279, transmitting S.B. No. 2810, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 280, transmitting S.B. No. 2811, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 281, transmitting S.B. No. 2817, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 282, transmitting S.B. No. 2818, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 283, transmitting S.B. No. 2819, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 284, transmitting S.B. No. 2825, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 285, transmitting S.B. No. 2828, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 286, transmitting S.B. No. 2831, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 287, transmitting S.B. No. 2837, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 288, transmitting S.B. No. 2840, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 289, transmitting S.B. No. 2842, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 290, transmitting S.B. No. 2843, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 291, transmitting S.B. No. 2844, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL TRANSPLANTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 292, transmitting S.B. No. 2849, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 293, transmitting S.B. No. 2858, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RETAIL WHEELING," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 294, transmitting S.B. No. 2859, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 295, transmitting S.B. No. 2863, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 296, transmitting S.B. No. 2866, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 297, transmitting S.B. No. 2873, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 298, transmitting S.B. No. 2874, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 299, transmitting S.B. No. 2877, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 300, transmitting S.B. No. 2878, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRUSTEES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 301, transmitting S.B. No. 2879, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 302, transmitting S.B. No. 2883, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 303, transmitting S.B. No. 2884, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 304, transmitting S.B. No. 2885, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 305, transmitting S.B. No. 2887, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 306, transmitting S.B. No. 2889, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 307, transmitting S.B. No. 2898, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 308, transmitting S.B. No. 2903, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 309, transmitting S.B. No. 2910, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 310, transmitting S.B. No. 2911, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 311, transmitting S.B. No. 2919, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 312, transmitting S.B. No. 2921, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 313, transmitting S.B. No. 2926, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 314, transmitting S.B. No. 2927, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 315, transmitting S.B. No. 2936, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 316, transmitting S.B. No. 2937, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 317, transmitting S.B. No. 2942, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 318, transmitting S.B. No. 2951, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 319, transmitting S.B. No. 2954, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 320, transmitting S.B. No. 2957, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on March 2, 2010.

Sen. Com. No. 321, transmitting S.B. No. 2960, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 2, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Bertram, Marumoto and Thielen were excused.)

S.B. No. 707, SD 1
S.B. No. 950, SD 2
S.B. No. 1062, SD 1
S.B. No. 1309, SD 2
S.B. No. 2001, SD 1
S.B. No. 2007, SD 1
S.B. No. 2019, SD 1
S.B. No. 2020
S.B. No. 2025, SD 2
S.B. No. 2026, SD 2
S.B. No. 2028, SD 1
S.B. No. 2030, SD 2
S.B. No. 2045, SD 1
S.B. No. 2050
S.B. No. 2052, SD 2
S.B. No. 2054, SD 2
S.B. No. 2068, SD 2
S.B. No. 2081, SD 2
S.B. No. 2083, SD 1
S.B. No. 2099, SD 2
S.B. No. 2100, SD 2
S.B. No. 2102, SD 2
S.B. No. 2103, SD 2
S.B. No. 2105, SD 2
S.B. No. 2107, SD 1
S.B. No. 2108, SD 1
S.B. No. 2109, SD 2
S.B. No. 2110, SD 2
S.B. No. 2111, SD 2
S.B. No. 2115, SD 1
S.B. No. 2116, SD 2
S.B. No. 2117, SD 1
S.B. No. 2120, SD 1
S.B. No. 2121
S.B. No. 2122, SD 1
S.B. No. 2124, SD 2
S.B. No. 2137, SD 1
S.B. No. 2139, SD 2
S.B. No. 2141, SD 1
S.B. No. 2143, SD 2
S.B. No. 2144, SD 2
S.B. No. 2145, SD 1
S.B. No. 2149
S.B. No. 2150
S.B. No. 2151, SD 1
S.B. No. 2153, SD 1
S.B. No. 2154, SD 1
S.B. No. 2155, SD 1
S.B. No. 2156, SD 2
S.B. No. 2157, SD 1
S.B. No. 2159
S.B. No. 2162, SD 2
S.B. No. 2163, SD 2
S.B. No. 2164, SD 1
S.B. No. 2165, SD 1
S.B. No. 2169, SD 2
S.B. No. 2172, SD 2
S.B. No. 2173, SD 1
S.B. No. 2174

S.B. No. 2175, SD 1
S.B. No. 2182, SD 1
S.B. No. 2183, SD 1
S.B. No. 2187, SD 1
S.B. No. 2188
S.B. No. 2205, SD 2
S.B. No. 2213, SD 2
S.B. No. 2220, SD 1
S.B. No. 2222, SD 1
S.B. No. 2226, SD 2
S.B. No. 2231, SD 1
S.B. No. 2236, SD 2
S.B. No. 2249, SD 1
S.B. No. 2251, SD 1
S.B. No. 2252, SD 1
S.B. No. 2254, SD 1
S.B. No. 2256, SD 1
S.B. No. 2257, SD 2
S.B. No. 2267, SD 2
S.B. No. 2268, SD 1
S.B. No. 2270, SD 2
S.B. No. 2271, SD 2
S.B. No. 2274, SD 2
S.B. No. 2276, SD 1
S.B. No. 2277, SD 2
S.B. No. 2278, SD 2
S.B. No. 2287
S.B. No. 2290, SD 2
S.B. No. 2291, SD 2
S.B. No. 2323
S.B. No. 2324, SD 2
S.B. No. 2325, SD 1
S.B. No. 2331, SD 2
S.B. No. 2335, SD 2
S.B. No. 2336, SD 2
S.B. No. 2339, SD 1
S.B. No. 2340, SD 1
S.B. No. 2341, SD 1
S.B. No. 2343, SD 1
S.B. No. 2346, SD 1
S.B. No. 2349, SD 2
S.B. No. 2350, SD 1
S.B. No. 2356, SD 2
S.B. No. 2357, SD 2
S.B. No. 2358, SD 1
S.B. No. 2368
S.B. No. 2369, SD 2
S.B. No. 2371, SD 2
S.B. No. 2372, SD 2
S.B. No. 2373, SD 2
S.B. No. 2378, SD 2
S.B. No. 2383
S.B. No. 2385, SD 1
S.B. No. 2386
S.B. No. 2387, SD 1
S.B. No. 2389
S.B. No. 2390, SD 2
S.B. No. 2391, SD 2
S.B. No. 2393, SD 2
S.B. No. 2394
S.B. No. 2399, SD 1
S.B. No. 2400, SD 1
S.B. No. 2401, SD 1
S.B. No. 2402, SD 1
S.B. No. 2405, SD 2
S.B. No. 2408, SD 2
S.B. No. 2409
S.B. No. 2420, SD 2
S.B. No. 2431, SD 2
S.B. No. 2434, SD 1
S.B. No. 2440
S.B. No. 2441, SD 2
S.B. No. 2450, SD 1
S.B. No. 2451, SD 2
S.B. No. 2452, SD 2
S.B. No. 2454, SD 2
S.B. No. 2455, SD 2
S.B. No. 2460, SD 1
S.B. No. 2461, SD 2
S.B. No. 2466, SD 2
S.B. No. 2469, SD 2
S.B. No. 2470, SD 2
S.B. No. 2472, SD 2
S.B. No. 2473, SD 1
S.B. No. 2474, SD 1
S.B. No. 2487, SD 1
S.B. No. 2488, SD 2
S.B. No. 2490, SD 2
S.B. No. 2491, SD 2
S.B. No. 2493, SD 2
S.B. No. 2494, SD 2
S.B. No. 2500, SD 2
S.B. No. 2501, SD 1
S.B. No. 2502, SD 1
S.B. No. 2520, SD 1
S.B. No. 2523, SD 2
S.B. No. 2526, SD 1
S.B. No. 2529, SD 2
S.B. No. 2531, SD 2
S.B. No. 2532
S.B. No. 2533, SD 1
S.B. No. 2543, SD 2
S.B. No. 2544, SD 2
S.B. No. 2545, SD 2
S.B. No. 2547, SD 1
S.B. No. 2548, SD 2
S.B. No. 2549, SD 1
S.B. No. 2551, SD 1
S.B. No. 2559, SD 2
S.B. No. 2563, SD 1
S.B. No. 2564, SD 1
S.B. No. 2565, SD 1
S.B. No. 2566
S.B. No. 2567, SD 1
S.B. No. 2570, SD 1
S.B. No. 2571, SD 2
S.B. No. 2575, SD 2
S.B. No. 2576, SD 2
S.B. No. 2578, SD 1
S.B. No. 2589, SD 2
S.B. No. 2591, SD 2
S.B. No. 2592, SD 2
S.B. No. 2593, SD 1
S.B. No. 2594, SD 1
S.B. No. 2595, SD 1
S.B. No. 2597
S.B. No. 2598, SD 2
S.B. No. 2599, SD 2
S.B. No. 2600, SD 2
S.B. No. 2601, SD 1
S.B. No. 2603, SD 2
S.B. No. 2604, SD 2
S.B. No. 2607, SD 2
S.B. No. 2610
S.B. No. 2611, SD 2
S.B. No. 2614
S.B. No. 2617, SD 1
S.B. No. 2625, SD 2
S.B. No. 2626, SD 1
S.B. No. 2643, SD 1
S.B. No. 2646, SD 1
S.B. No. 2649, SD 2
S.B. No. 2650, SD 2
S.B. No. 2659, SD 2
S.B. No. 2661, SD 2
S.B. No. 2662, SD 2

S.B. No. 2669, SD 2
S.B. No. 2676, SD 1
S.B. No. 2685, SD 1
S.B. No. 2691, SD 1
S.B. No. 2695, SD 1
S.B. No. 2697, SD 1
S.B. No. 2698, SD 2
S.B. No. 2700, SD 1
S.B. No. 2701, SD 1
S.B. No. 2702, SD 2
S.B. No. 2709, SD 1
S.B. No. 2710, SD 2
S.B. No. 2715
S.B. No. 2716, SD 2
S.B. No. 2726, SD 2
S.B. No. 2728, SD 2
S.B. No. 2729, SD 2
S.B. No. 2740
S.B. No. 2745, SD 2
S.B. No. 2747, SD 2
S.B. No. 2749, SD 1
S.B. No. 2752, SD 1
S.B. No. 2756, SD 2
S.B. No. 2757, SD 2
S.B. No. 2758
S.B. No. 2768, SD 2
S.B. No. 2770, SD 1
S.B. No. 2771, SD 1
S.B. No. 2772, SD 2
S.B. No. 2775, SD 1
S.B. No. 2779
S.B. No. 2780, SD 2
S.B. No. 2786, SD 2
S.B. No. 2788, SD 1
S.B. No. 2790, SD 1
S.B. No. 2797, SD 2
S.B. No. 2799, SD 2
S.B. No. 2800, SD 1
S.B. No. 2803, SD 1
S.B. No. 2806, SD 2
S.B. No. 2807, SD 2
S.B. No. 2809, SD 2
S.B. No. 2810, SD 2
S.B. No. 2811, SD 2
S.B. No. 2817, SD 1
S.B. No. 2818, SD 2
S.B. No. 2819, SD 2
S.B. No. 2825, SD 1
S.B. No. 2828, SD 1
S.B. No. 2831, SD 1
S.B. No. 2837, SD 1
S.B. No. 2840, SD 2
S.B. No. 2842, SD 2
S.B. No. 2843, SD 2
S.B. No. 2844, SD 1
S.B. No. 2849, SD 2
S.B. No. 2858, SD 2
S.B. No. 2859, SD 2
S.B. No. 2863, SD 2
S.B. No. 2866, SD 1
S.B. No. 2873, SD 1
S.B. No. 2874, SD 1
S.B. No. 2877, SD 1
S.B. No. 2878, SD 1
S.B. No. 2879, SD 1
S.B. No. 2883, SD 1
S.B. No. 2884, SD 2
S.B. No. 2885, SD 2
S.B. No. 2887, SD 2
S.B. No. 2889
S.B. No. 2898, SD 1
S.B. No. 2903, SD 2
S.B. No. 2910
S.B. No. 2911, SD 2
S.B. No. 2919, SD 1
S.B. No. 2921, SD 1
S.B. No. 2926, SD 2
S.B. No. 2927, SD 1
S.B. No. 2936, SD 1
S.B. No. 2937, SD 1
S.B. No. 2942, SD 2
S.B. No. 2951, SD 2
S.B. No. 2954, SD 2
S.B. No. 2957, SD 1
S.B. No. 2960

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Takai introduced a delegation from Japan who were here as part of the Japan Center for International Exchange and the American Council for the Young Political Leaders UH-Japan Political Study Tour of the United States.

From the Democratic Party of Japan:
Ms. Fuyou Nakamura, Public Relations Committee Staff Member;
Mr. Masaaki Kurano, Assistant to the Honorable Goshi Hosono, Member, Japan House of Representatives; and
Mr. Yasuhara Zenki, Assistant to the Honorable Motohisa Furukawa, Member, Japan House of Representatives.

From the Liberal Democratic Party:
Ms. Reiki Yanagimoto, Staff Member from the Treasury Bureau; and
Mr. Tomohiro Minagawa, Assistant to the Honorable Koichi Kato, Member, Japan House of Representatives.

From the New Komeito Party:
Mr. Nobuki Komatsu, Reporter from the Komei Shimbun.

Escorts:
Ms. Kiyuko Fujita, Japan Center for International Exchange;
Mr. Frederick Harriman, Ms. Kayo Shiraishi, and Ms. Stacy Smith, State Department Interpreters; and
Ms. Elizabeth Johnson, American Council for Young Political Leader organization in Washington, DC.

Representative Ito introduced his classmate, Mr. Guy Shibayama, retired apprenticeship director of the Sheet Metal Union.

Representative Choy introduced his Office Manager, Ms. Carole Hagihara; and aide, Ms. Heather Lee.

Representative Ching introduced members of the Honolulu Community College who were accompanied by her legislative staff, Ms. Elise Anderson, and Ms. Jocelyn Ho.

Mr. Ralph Kam, Dean of the University College and Co-Chair of the 90th Anniversary Committee;
Ms. Sandra Matsui, Dean of Student Services;
Mr. Billie Lueder, member of the 90th Anniversary Committee;
Ms. Lianne Nagano, Professor and member of the 90th Anniversary Committee;
Mr. Guy Shibayama, Apprenticeship Coordinator, Outstanding Alumni recipient, and member of the 90th Anniversary Committee; and
Mr. Scott Murakami, Director of Pacific Center for Advanced Technology Training.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
53	Committee on Transportation, then to the Committee on Finance
54	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
55	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
56	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
57	Committee on Hawaiian Affairs, then jointly to the Committee on Higher Education and the Committee on Education
58	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
59	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources
60	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
61	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management
62	Committee on Housing, then to the Committee on Finance
63	Committee on Housing, then to the Committee on Finance
64	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Finance
65	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
66	Committee on Hawaiian Affairs, then to the Committee on Judiciary
67	Committee on Hawaiian Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs
68	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
69	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
70	Committee on Health, then to the Committee on Finance
71	Committee on Public Safety, then to the Committee on Consumer Protection & Commerce

H.C.R. Nos.	Referred to:
101	Committee on Transportation, then to the Committee on Finance
102	Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs
103	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
104	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
105	Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs
106	Committee on Hawaiian Affairs, then jointly to the Committee on Higher Education and the Committee on Education
107	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
108	Committee on Judiciary
109	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources
110	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
111	Committee on Judiciary
112	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
113	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management
114	Committee on Housing, then to the Committee on Finance
115	Committee on Housing, then to the Committee on Finance
116	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Finance
117	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
118	Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary
119	Committee on Hawaiian Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs
120	Committee on Health, then jointly to the Committee on Higher Education and the Committee on Education
121	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
122	Committee on Hawaiian Affairs, then to the Committee on Finance
123	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
124	Committee on Consumer Protection & Commerce, then to the Committee on Finance
125	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

126	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
127	Committee on Health, then to the Committee on Finance
128	Committee on Education, then to the Committee on Finance
129	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
130	Committee on Public Safety, then to the Committee on Consumer Protection & Commerce

S.B. Nos.	**Referred to:**
707, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce, then jointly to the Committee on Legislative Management and the Committee on Finance
950, SD2	Jointly to the Committee on Public Safety and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
1062, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1309, SD2	Committee on Health, then to the Committee on Finance
2001, SD1	Committee on Finance
2007, SD1	Committee on Finance
2019, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2020	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary
2025, SD2	Committee on Public Safety, then to the Committee on Finance
2026, SD2	Committee on Public Safety, then to the Committee on Finance
2030, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2050	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2052, SD2	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
2068, SD2	Committee on Education, then to the Committee on Finance
2081, SD2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2100, SD2	Committee on Health, then to the Committee on Judiciary
2102, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce
2103, SD2	Committee on Health, then to the Committee on Finance
2107, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
2108, SD1	Committee on Housing
2109, SD2	Committee on Housing, then to the Committee on Finance
2110, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2111, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
2117, SD1	Committee on Education, then to the Committee on Finance
2120, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2122, SD1	Jointly to the Committee on Education and the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2124, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2139, SD2	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2141, SD1	Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Judiciary
2143, SD2	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
2144, SD2	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
2145, SD1	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2149	Committee on Judiciary
2150	Committee on Judiciary, then to the Committee on Finance
2151, SD1	Committee on Judiciary, then to the Committee on Finance
2155, SD1	Committee on Judiciary, then to the Committee on Finance
2156, SD2	Committee on Judiciary, then to the Committee on Finance

2157, SD1 Committee on Judiciary, then to the Committee on Finance

2159 Committee on Judiciary, then to the Committee on Finance

2163, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce

2164, SD1 Committee on Housing, then to the Committee on Consumer Protection & Commerce

2165, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2169, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2172, SD2 Committee on Education, then to the Committee on Finance

2173, SD1 Committee on Finance

2174 Committee on Labor & Public Employment, then to the Committee on Finance

2175, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

2182, SD1 Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Judiciary

2183, SD1 Committee on Human Services, then to the Committee on Judiciary

2187, SD1 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

2188 Committee on Health, then to the Committee on Consumer Protection & Commerce

2205, SD2 Committee on Labor & Public Employment, then to the Committee on Finance

2213, SD2 Jointly to the Committee on Public Safety and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2220, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2222, SD1 Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2231, SD1 Committee on Energy & Environmental Protection, then to the Committee on Finance

2236, SD2 Committee on Agriculture, then to the Committee on Judiciary

2249, SD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2254, SD1 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2256, SD1 Committee on Education, then to the Committee on Finance

2257, SD2 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance

2267, SD2 Committee on Health, then to the Committee on Finance

2268, SD1 Committee on Legislative Management, then to the Committee on Finance

2270, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2271, SD2 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2274, SD2 Committee on Health, then to the Committee on Finance

2277, SD2 Committee on Housing, then to the Committee on Judiciary

2287 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Water, Land, & Ocean Resources

2291, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2323 Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2325, SD1 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

2336, SD2 Committee on Education, then to the Committee on Finance

2339, SD1 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2340, SD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2341, SD1 Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2343, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce

2346, SD1 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2349, SD2 Committee on Education, then to the Committee on Finance

2357, SD2 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2358, SD1 Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2369, SD2 Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2372, SD2 Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance

2378, SD2 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2385, SD1 Committee on Higher Education, then to the Committee on Finance

2386 Committee on Higher Education, then to the Committee on Finance

2387, SD1 Jointly to the Committee on Higher Education and the Committee on Judiciary, then to the Committee on Finance

2389 Committee on Higher Education, then to the Committee on Finance

2390, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce

2391, SD2 Committee on Hawaiian Affairs, then to the Committee on Finance

2393, SD2 Committee on Labor & Public Employment, then to the Committee on Finance

2394 Committee on Labor & Public Employment, then to the Committee on Finance

2399, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2400, SD1 Committee on Finance

2401, SD1 Committee on Finance

2402, SD1 Committee on Finance

2405, SD2 Committee on Finance

2408, SD2 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing

2409 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2431, SD2 Committee on Education, then to the Committee on Finance

2434, SD1 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

2440 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2441, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2451, SD2 Committee on Education, then to the Committee on Finance

2452, SD2 Committee on Education, then to the Committee on Finance

2454, SD2 Committee on Judiciary, then to the Committee on Finance

2455, SD2 Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

2461, SD2 Committee on Transportation, then to the Committee on Finance

2469, SD2 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2470, SD2 Committee on Education, then to the Committee on Finance

2472, SD2 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2473, SD1 Committee on Housing, then to the Committee on Finance

2487, SD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2488, SD2 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

2490, SD2 Committee on Health, then to the Committee on Finance

2491, SD2 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2493, SD2 Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance

2494, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2500, SD2 Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

2501, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2502, SD1 Committee on Public Safety, then to the Committee on Finance

2520, SD1 Committee on Hawaiian Affairs, then to the Committee on Energy & Environmental Protection

2523, SD2 Committee on Agriculture, then to the Committee on Finance

2526, SD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Agriculture

2529, SD2 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2531, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2532 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, then to the Committee on Finance

2533, SD1 Committee on Public Safety, then to the Committee on Legislative Management, then to the Committee on Finance

2543, SD2 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2544, SD2 Committee on Energy & Environmental Protection, then to the Committee on Finance

2545, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2547, SD1 Committee on Water, Land, & Ocean Resources

2548, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2549, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

2551, SD1 Committee on Energy & Environmental Protection, then to the Committee on Finance

2563, SD1 Committee on Energy & Environmental Protection, then to the Committee on Finance

2564, SD1 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2565, SD1 Committee on Labor & Public Employment, then to the Committee on Judiciary

2566 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2567, SD1 Committee on Education, then to the Committee on Finance

2571, SD2 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2575, SD2 Committee on Housing, then to the Committee on Finance

2576, SD2 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Education, then to the Committee on Finance

2578, SD1 Committee on Housing, then to the Committee on Finance

2591, SD2 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2592, SD2 Committee on Housing, then to the Committee on Finance

2593, SD1 Committee on Housing, then to the Committee on Finance

2594, SD1 Committee on Housing, then to the Committee on Finance

2595, SD1 Committee on Housing, then to the Committee on Finance

2597 Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2598, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2599, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2600, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2601, SD1 Committee on Tourism, Culture, & International Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2604, SD2 Committee on Health, then to the Committee on Finance

2607, SD2 Committee on Tourism, Culture, & International Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2610 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2611, SD2 Committee on Health, then to the Committee on Finance

2614 Committee on Transportation, then to the Committee on Judiciary

2643, SD1 Committee on Finance

2646, SD1 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources

2649, SD2 Committee on Higher Education, then to the Committee on Finance

2650, SD2 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2659, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2661, SD2 Committee on Judiciary, then to the Committee on Finance

2676, SD1 Committee on Finance

2685, SD1 Committee on Finance

2691, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

2695, SD1 Committee on Finance

2697, SD1 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2698, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce

2700, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce

2701, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2702, SD2 Committee on Public Safety, then to the Committee on Finance

2710, SD2 Committee on Judiciary, then to the Committee on Finance

2715 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2729, SD2 Committee on Health, then to the Committee on Finance

2740 Committee on Tourism, Culture, & International Affairs

2747, SD2 Committee on Finance

2749, SD1 Committee on Finance

2756, SD2 Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2757, SD2 Committee on Transportation, then to the Committee on Finance

2758 Committee on Transportation, then to the Committee on Finance

2768, SD2 Committee on Public Safety, then to the Committee on Finance

2771, SD1 Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2779 Committee on Health, then to the Committee on Judiciary

2780, SD2 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary

2786, SD2 Committee on Education, then to the Committee on Finance

2788, SD1 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2790, SD1 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2797, SD2 Jointly to the Committee on Labor & Public Employment and the Committee on Education, then to the Committee on Finance

2803, SD1 Committee on Higher Education

2807, SD2 Committee on Judiciary, then to the Committee on Finance

2809, SD2 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2810, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2811, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce

2819, SD2 Committee on Judiciary, then to the Committee on Finance

2825, SD1 Committee on Finance

2828, SD1 Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2831, SD1 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

2834, SD1 Committee on Finance

2837, SD1 Committee on Higher Education, then to the Committee on Consumer Protection & Commerce

2840, SD2 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2842, SD2 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2849, SD2 Committee on Labor & Public Employment, then to the Committee on Finance

2859, SD2 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2863, SD2 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

2866, SD1 Committee on Finance

2884, SD2 Committee on Labor & Public Employment, then to the Committee on Finance

2885, SD2 Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2887, SD2 Committee on Finance

2889 Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2898, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce

2903, SD2 Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

2919, SD1 Committee on Health, then to the Committee on Public Safety, then to the Committee on Finance

2921, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2927, SD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

2936, SD1 Jointly to the Committee on Transportation and the Committee on Public Safety, then to the Committee on Agriculture, then to the Committee on Judiciary

2942, SD2 Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2954, SD2 Committee on Transportation, then to the Committee on Finance

2957, SD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2960 Committee on Education, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 76) was announced by the Clerk and the following action taken:

H.R. No. 76, entitled: "HOUSE RESOLUTION COMMEMORATING THE 90TH ANNIVERSARY OF HONOLULU COMMUNITY COLLEGE," was offered by Representative Ching.

Representative Ching moved that H.R. No. 76 be adopted, seconded by Representative Rhoads.

Representative Ching congratulated Honolulu Community College on its 90th Anniversary and thanked them for their contributions to technical and vocational education in our community.

Representative Ching then introduced the honorees representing the Honolulu Community College who were seated on the Floor of the House:

Mr. Michael T. Rota, Chancellor;
Ms. Erika Lacro, Vice Chancellor;
Mr. Ramsey R. Pedersen, former Chancellor; and
Dr. Ronald Pine, Chair of the Faculty Senate.

Representative Rhoads also congratulated and thanked Honolulu Community College.

Representative Pine recognized her father, Dr. Ronald Pine, and thanked the Body for honoring Honolulu Community College.

Representative Yamane also congratulated Honolulu Community College and recognized their programs that support the Pearl Harbor Naval Shipyard.

The motion was put to vote by the Chair and carried, and H.R. No. 76 was adopted with Representatives Bertram, Hanohano, Marumoto, Nakashima, Thielen and Ward being excused.

The following resolution (H.R. No. 77) was announced by the Clerk and the following action taken:

H.R. No. 77, entitled: "HOUSE RESOLUTION CONGRATULATING THE HONOLULU JAPANESE CHAMBER OF COMMERCE ON THE OCCASION OF ITS 110TH ANNIVERSARY," was jointly offered by Representatives Choy and Chong.

Representative Choy moved that H.R. No. 77 be adopted, seconded by Representative Chong.

Representative Choy congratulated the Honolulu Japanese Chamber of Commerce on their 110th Anniversary and introduced the honorees representing the Chamber who were seated on the Floor of the House:

Mr. Sidney Hamada, Chairman; and
Mr. Wayne Ishihara, President.

Representative Chong also congratulated the Honolulu Japanese Chamber of Commerce and thanked them for their work to foster business with Japan and Asia, support the community, and promote cultural activities.

The motion was put to vote by the Chair and carried, and H.R. No. 77 was adopted with Representatives Bertram, Hanohano, Marumoto, Nakashima, Thielen and Ward being excused.

At 12:40 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

At 1:14 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:15 o'clock p.m.

UNFINISHED BUSINESS

H.B. No. 2737, HD 1:

Representative B. Oshiro moved that H.B. No. 2737, HD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

Representative Saiki rose in support of the motion to recommit and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in support of the motion to recommit H.B. 2737.

"One purpose of a motion to recommit is to prevent action on the question or to delay action. Recommittal of H.B. 2737 is appropriate because it essentially proposed a "fire sale" of public land. This measure is troubling for at least three reasons.

"First, H.B. 2737 applies to all public lands, both ceded and non-ceded.

"Second, Part II, section 4 exempts any legislative approval notwithstanding H.R.S. section 171-64.7. Section 171-64.7 requires two-thirds approval of the Legislature when public land is sold. The Legislature enacted section 171-64.7 less than one year ago in the 2009 Session, and there is no reason to exempt the forced sales in this measure from legislative approval.

"Third, this measure targets the sale of Sand Island Parcels. Part II requires DLNR to negotiate sales terms with a certain non-profit entity. Part II only applies to the Sand Island Business Association, which is registered as a not-for-profit with the Department of Commerce and Consumer Affairs.

"Sand Island should not be sold in the manner provided for in this measure. According to the State Auditor, Sand Island is ceded land (see attachment). Sand Island is significant, both in terms of its inclusion in the State's public land inventory and to the Office of Hawaiian Affairs.

"Accordingly, I support the motion to recommit."

Representative Saiki also submitted the following:

FINAL REPORT ON THE PUBLIC LAND TRUST

Conducted by the

Office of the Legislative Auditor

With the assistance of

Yukio Naito of Shim, Tam, Kirimitsu & Naito
Attorneys at Law, A Law Corporation

A Report to the Legislature of the State of Hawaii

Submitted by the

Legislative Auditor of the State of Hawaii
Honolulu, Hawaii

Report No. 86-17
December 1986

FOREWORD

This report is the *Final Report on the Public Land Trust*, a study which was authorized by Act 121, Session Laws of Hawaii 1982. It supersedes the *Progress Report on the Public Land Trust*, which our office submitted to the Legislature in 1983.

The final report is in two volumes of which this particular volume is of more general interest. It contains our findings and recommendations pertaining to issues related to the public land trust. The other volume, which will receive a limited distribution, contains the chain of titles and land title maps of lands encompassed within the boundaries of certain state airports and harbors.

We were fortunate to have obtained the services of Yukio Naito, an authority on public land policy, to direct and coordinate the study. Mr. Naito, who is an attorney with the law firm of Shim, Tam, Kirimitsu & Naito, has frequently been called upon by the State Legislature for advice on important public issues.

Consultant firms which contributed to the study include Peat, Marwick, Mitchell & Co.; Coopers & Lybrand; and the Consulting Group of Hawaii.

We were also assisted in the study by Nardess Awana, formerly with the abstracting section of the highways division of the State Department of Transportation, who performed all title searches on the airport and harbor lands dealt with in the report. The staff of the cadastral engineering section of the highways division performed the land surveys and land title mapping, and we especially want to acknowledge the assistance of Donald King, former head of the section; Layton Chew, land surveyor; and Dorothy Miyata.

During the course of the study, a number of government agencies and jurisdictions provided needed information and cooperated fully in the study. We acknowledge the assistance of the land management division of the Department of Land and Natural Resources, the commercial harbors and airports divisions of the Department of Transportation, the Hawaii Housing Authority, the University of Hawaii, the Department of Education, the City and County of Honolulu, the County of Hawaii, the County of Kauai, and the County of Maui.

It is our hope that this study contributes to the deliberations on a very important public issue.

Clinton T. Tanimura
Legislative Auditor
State of Hawaii

December 1986

listing, the county currently controls about 250 separate parcels. Several of these parcels are owned by private entities and are being used by the county. A majority of the parcels are owned by the county and the State. The large number of state-owned parcels suggests that a significant portion may be former crown or government lands. It is our understanding that all state-owned parcels controlled by the county have been classified by Admission Act sections and are included in the DLNR's state land inventory.

The only state-owned parcel under the control of the County of Kauai that produces any significant amount of revenues is the county's Wailua Golf Course. Green and locker fees, and rents and concessions comprise the revenues.

The golf course consists of 195 acres. The land underlying the golf course is owned by the State and is controlled by the county under two Governor's executive orders, issued during the territorial period. Executive Order No. 97 issued on April 20, 1921, granted use of 190 acres to the county, and Executive Order No. 112 dated May 10, 1945, granted use of 4.51 acres. Based upon a limited review of available documentation, it appears that the entire golf course rests on former crown or government land which had been ceded to the United States on annexation. Title to the parcel appears to have been conveyed to the State under section 5(b) of the Admission Act.

Sand Island

Sand Island includes about 507 acres of land plus surrounding submerged lands. Most of the 507 acres are filled lands. Forty-nine acres of the 507 acres are still set aside for the use of the United States government. The 49 acres are being used

for coast guard purposes. A portion of the remaining 458 acres is used for harbor purposes and included in the Honolulu Harbor boundaries. The remainder of the island is under the management of the Department of Land and Natural Resources.

Sand Island is all ceded lands. However, for a time in the 1900s there was a continuing dispute as to the ceded or non-ceded status of the island, and upon the enactment of HRS chapter 10, particularly section 10-13.5, this issue of ceded versus non-ceded status of Sand Island surfaced again briefly. Today, no one denies the ceded status of Sand Island.

The major concern with Sand Island is whether the DLNR has properly classified the lands in terms of the statutory source of Hawaii's title to the lands.

It is our finding that the DLNR's classification of lands on Sand Island is technically correct. However, we believe that all of Sand Island should be considered a part of the trust established by section 5(f) of the Admission Act and possibly subject to HRS chapter 10.

A summary of transfer of fee title to Hawaii. At annexation, the U.S. took over Sand Island, which at that time consisted of less than 10 acres of land. It was set aside by presidential executive order for use by the United States as a military reservation. Between 1902 and 1941, the Army and Navy filled the surrounding reefs from materials dredged from the entrance to Honolulu Harbor and Keehi Lagoon.

Sand Island was returned to Hawaii in three segments. The first segment consisted of 16 acres. By two presidential executive orders, one in 1946 and the other in 1947, the Territory of Hawaii acquired the possession, use, and control of,

but not fee title to, the 16 acres.[5] The DLNR has treated the 16 acres as lands, the fee title to which was returned to Hawaii at statehood under section 5(b) of the Admission Act.

In 1955, the territorial government sought title to some 202 acres of Sand Island. The impetus to gain the fee title to the land came from an offer by the Standard Oil Company of California to purchase the 202-acre site for its $30 million oil refinery. This site was conveyed to the Territory on August 20, 1959, one day before statehood, by Presidential Executive Order No. 10833. Since the return was before statehood, the 202 acres have been classified by the DLNR as lands returned to Hawaii under section 5(a) of the Admission Act.

The final transfer occurred in 1963 when another 360 acres were conveyed under the Revised Conveyance Act (Public Law 88-233). Of the 360 acres, approximately 244 acres are landed property. Another 116 acres are still submerged.

Appended to this chapter are maps of Sand Island. Map A depicts the return of the various parcels to Hawaii. Map B shows the uses to which the parcels returned to Hawaii are currently being put. Map C is the same as map A, less the submerged portions. Map D shows those portions of the 202 acres that were returned to Hawaii one day before statehood and those portions of the 244 landed acres that were returned to the State in 1963 that are being used as a container yard and marginal wharf under the jurisdiction of the DOT.

5. Of the 16 acres, 12 acres previously set aside in 1920 by Presidential Executive Order No. 3358 for military purposes were restored in Presidential Executive Order No. 9752 for a sewerage treatment plant. Another four acres were restored under Presidential Executive Order No. 9860. The four acres, which are part of the Keehi Lagoon seaplane runway, are submerged and not included in the 507 acres that comprise Sand Island's landed property.

Controversy over the ceded status. Although it is generally agreed that the lands on Sand Island are ceded lands, it is appropriate that we review briefly the controversy over the ceded, non-ceded status of the lands. We do so for two reasons: first, the issue needs to be put to rest; second, the ceded, non-ceded controversy has impacted the question of the entitlement of OHA to the revenues generated on Sand Island.

Our study of the matter leads us to conclude that the lands on Sand Island are indeed ceded lands. They were owned by the Republic of Hawaii at the time of annexation, and upon annexation, the United States succeeded to the Republic's title to the lands.

Sand Island lies within what used to be the Mokauea and Kaholaloa fishing grounds. Sand Island as we know it today was essentially built by filling the reefs within these grounds. The controversy over whether Sand Island consists of ceded or non-ceded lands arose largely from the Land Commission awards made of the Mokauea and Kaholaloa fisheries. The Land Commission which was established in 1846[6] to adjudicate all private claims to landed property acquired before 1846, awarded the fishing grounds to private individuals. Moreover, in making the awards, it used language which appeared to grant the fee title to the lands beneath the fisheries (the submerged lands).

6. An Act to Organize the Executive Department of the Hawaiian Islands Pt 1, Ch VII, Art IV; April 27, 1846. Section 1 states in part that "His Majesty shall appoint through the Minister of the Interior and upon consultation with the Privy Council, five Commissioners, one of whom shall be the Attorney General of this kingdom, to be a board for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners to any landed property acquired anterior to the passage of this Act; the awards of which unless appealed from as hereinafter allowed shall be binding upon the Minister of the Interior and upon the applicant. . . ."

Had the Land Commission the authority to make the awards in the first instance and to award the fee to the lands beneath the fisheries, the awards would have deprived the Republic of Hawaii of title to the fisheries and the lands beneath them, and Sand Island today would not be considered as ceded lands.

However, it does not appear that the Land Commission had the authority to make awards of fishing grounds or the lands beneath the fisheries. The Land Commission's authority extended only to making grants of landed property. Fishing rights had been conferred initially by King Kamehameha III in 1839,[7] and in subsequent years the Republic of Hawaii enacted laws governing fisheries and fishing rights as a means of regulating and controlling the coastal waters and its fish. As the term implies, fishing rights were simply rights to fish in defined coastal areas.

The dispute came to the fore upon the enactment of the Organic Act. A portion of the act brought to an end the exclusive rights to fish in the sea waters of the islands that had been conferred to individual persons by the laws of Kamehameha III.

Soon after the enactment of the Organic Act, those who had received Land Commission awards to fishing grounds brought suit to confirm their title to the fishing grounds and the lands beneath the fisheries. In one case, the Land Commission eliminated in a subsequent order the fishing ground from its award, and the awardee petitioned the court to re-establish its claim to the fishery. In that case, the court awarded the fishery rights to the awardee but the Territory of Hawaii took strong exceptions to the judgment.

7. Laws of 1839, chapter 3, section 8.

All cases relating to the Mokauea and Kaholaloa fisheries ended in a settlement between the parties. As part of the settlement, all fishing rights, title and interest in the Mokauea and Kaholaloa fisheries were quitclaimed to the Territory of Hawaii and the awardees received other lands in exchange.

Although the court in one case held for the awardee, the position of the government of Hawaii and that of the United States has consistently been (and we believe rightly so) that the Land Commission had no authority to make awards of fishing grounds and that the private claims to the fisheries were not valid. The present treatment by the State of Sand Island as ceded lands is consistent with this early position.

The return of 202 acres. About 1955, the territorial government received an offer from the Standard Oil Company of California to purchase a 202-acre site on Sand Island for its $30 million oil refinery. All of Sand Island, however, had been set aside by presidential executive order for the use of the United States. Hawaii, therefore, needed to have the acreage returned to Hawaii's control before it could sell the site to Standard Oil. The Territory of Hawaii initiated action to have the 202-acre site returned to Hawaii.

However, the transfer of the lands to Hawaii was not easily accomplished. Between 1955 and 1956, the U.S. Department of Justice wrestled with the question, whether a presidential executive order would be sufficient to transfer the lands to the territory, or whether an act of Congress was also required. Although section 91 of the Organic Act provided that public property ceded at annexation for the uses and purposes of the United States could be restored to its previous status by the direction of the President, the U.S. Department of Justice was troubled by the earlier asserted private claims to the fisheries and it questioned, assuming that Sand

Island constituted ceded lands, whether the 202-acre site, ceded as submerged land could be restored under section 91 as filled land.

In view of the fact that the Territory intended to sell the filled land and therefore required clear title, the U.S. Department of Justice ruled in late 1956 that special congressional legislation would be required to enable the President to return the land by executive order.

On January 21, 1958, Hawaii's delegate to Congress, the late John A. Burns, introduced HR 10173. The purpose of this bill was "to authorize the President, by executive order, to transfer to the Territory of Hawaii, without monetary reimbursement, not to exceed 202 acres of the Sand Island Military Reservation. . . ." According to Senate Committee Report No. 2257, which accompanied the bill,

> "It appears that an Executive order may not be sufficient in this instance, however, for although the lands in question appear to be public lands ceded within the meaning of the Hawaiian Organic Act, there is some question whether they may be sold or otherwise disposed of by the Territory. This question arises because portions of Sand Island are made up of land filled in subsequent to annexation. Inasmuch as the Sand Island property is likely to be a useful site for commercial development, it is desirable that the Territory have full authority to dispose of such portions of the land as are not required for military purposes."

HR 10173 became law (Public Law 85-756) on August 25, 1958; however, actual transfer of the 202 acres did not occur immediately. There was some difficulty in negotiating the exact parcel to be transferred. At one point, talks were stalled because the Army claimed that part of the area sought by the Territory was needed for a highly classified missile site.

When it became clear that Hawaii would attain statehood, efforts to transfer the 202-acre site by executive order intensified. The territorial government and Hawaii's delegate to Congress expressed concern that Public Law 85-756 would be

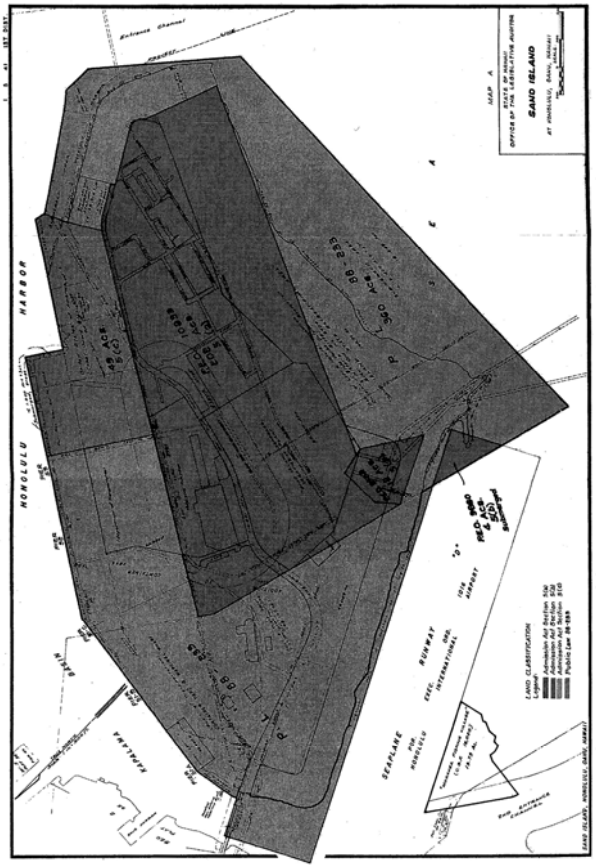
invalidated once Hawaii became a state because the law made specific reference to Hawaii as a territory, and not as a state. The territorial government reasoned that if Hawaii became a state before the executive order was signed by the President, new congressional legislation would be required and the transfer of land, which had been delayed for almost four years, would be further delayed. On August 20, 1959, one day before statehood, title to the 202 acres of Sand Island was transferred to the Territory by Presidential Executive Order No. 10833.

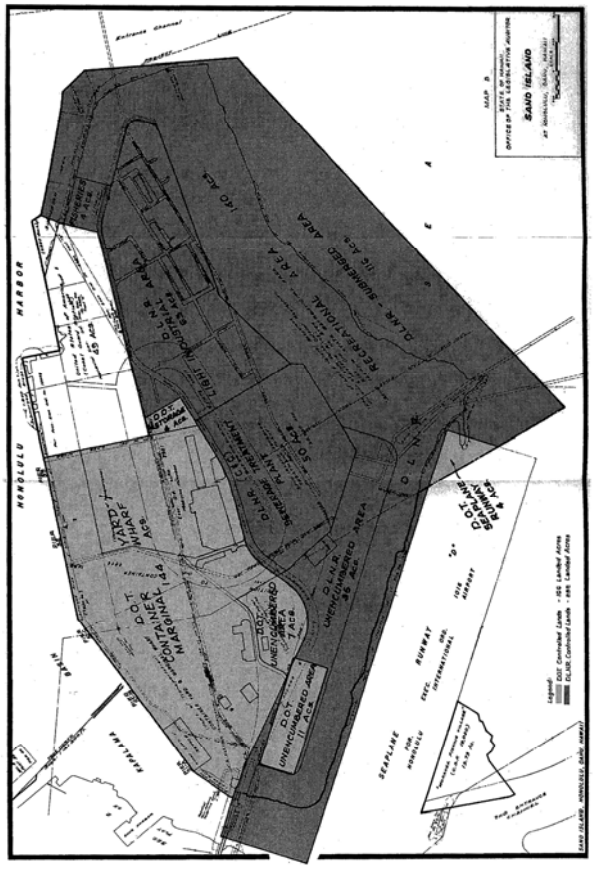
The treatment accorded the 202 acres. Since the presidential executive order returning the 202 acres to Hawaii was signed before Hawaii became a state, the acreage is listed in the state inventory as having been received by Hawaii under section 5(a) of the Admission Act. As section 5(a) land, the 202-acre site is not subject to the section 5(f) trust or to HRS chapter 10.

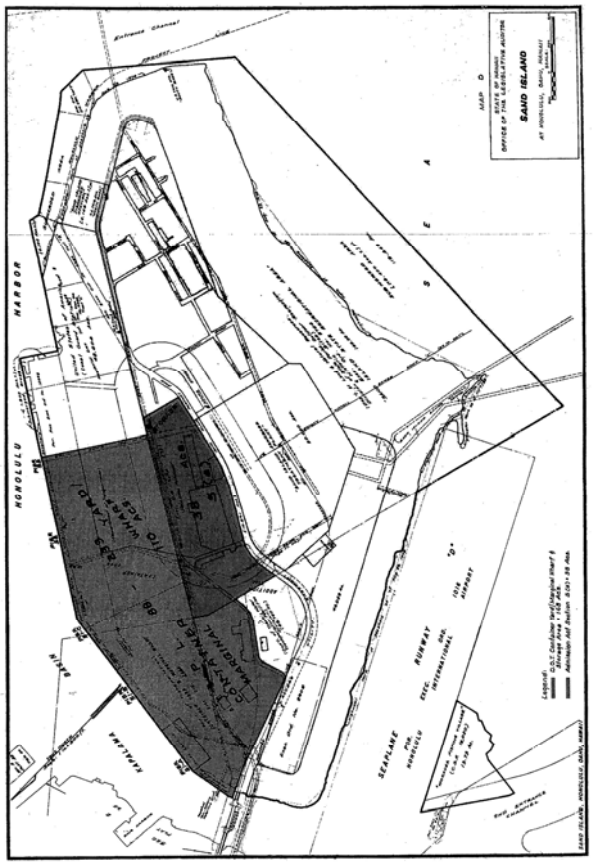
Technically, the listing of the acreage as section 5(a) land is correct. However, there is no good reason why the 202 acres should not be treated in the same manner as the 244 acres of landed property that were conveyed to Hawaii (together with the 116 acres of submerged lands) in 1963 under Public Law 88-233. First, the only reason for the transfer of the 202 acres to Hawaii one day before statehood was the fear of the need for another congressional act if the land was not transferred before statehood. There was no other reason for the urgency to convey, for Standard Oil in 1958 had decided to locate its refinery on Campbell Estate land at Barbers Point. Second, had the President not signed the executive order and the 202 acres not been transferred to Hawaii on August 20, 1959, in all probability, the 202 acres would have been conveyed to Hawaii after statehood under Public Law 88-233 in the same manner (and possibly at the same time) as the conveyance of the 244 acres. Thus, it would appear to be fair to treat the 202-acre site the same as

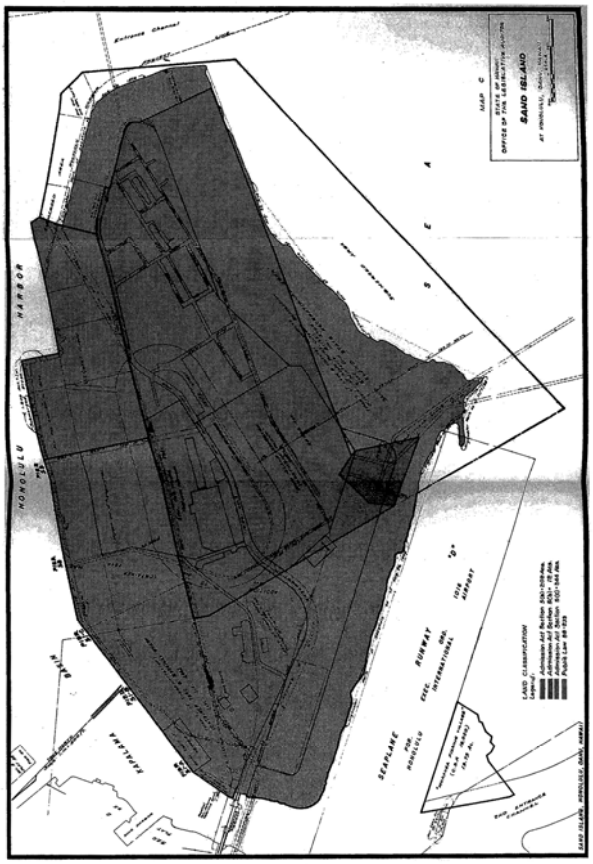
the 244-acre site and subject it to the public trust of section 5(f) of the Admission Act. Although legislative action may be necessary to accomplish this legally, we think that equity supports this treatment.

As a footnote, we observe that the 244 acres were conveyed to Hawaii under Public Law 88-233, rather than under section 5(e) of the Admission Act, even though the conveyance was had within the five-year review period provided in section 5(e), because of the same two problems that compelled the U.S. Department of Justice to require congressional authority for the conveyance of the 202-acre site--the earlier asserted private claims to what used to be the Mokauea and Kaholaloa fishing grounds, and the questionable ability of the United States to return to Hawaii as filled lands what the United States had received on annexation as submerged lands.









Representative McKelvey rose to speak in support of the motion to recommit, stating:

"Thank you Mr. Speaker, in support of the recommital and I would just like to thank the introducer of this bill for his wisdom in taking a second look at the issue."

Representative C. Lee rose in support of the motion to recommit and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative C. Lee's written remarks are as follows:

"Mr. Speaker, we cannot allow the short-sighted fire-sale of State lands to balance the budget. This bill forces the State to sell between a half to three quarters of a billion dollars in public trust lands. This is a permanent solution to a temporary problem that will haunt us for generations to come, who might be deprived of the public parks and open spaces that our fathers handed down to us to properly steward."

Representative Pine rose in support of the motion to recommit and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support to re-commit House Bill 2737, Relating to the Disposition of Public Lands to the Committee on Finance.

"Hawai'i's most precious resource is land. The sale of public lands by the Department of Land and Natural Resources would generate revenue of up to $750,000,000 for the State general fund. However, once these lands are sold, it is unlikely that the State will re-obtain them in the future.

"I support recommitting House Bill 2737 for the following reasons:

There should be further review as to how certain State lands were obtained in order to definitively determine if they were crown or ceded lands;

Issues relating to the original intent for land use should be addressed;

Discussion should have been made in the appropriate standing committee prior to a hearing being held by the Committee on Finance.

"For the reasons above, I support recommitting House Bill 2737."

The motion was put to vote by the Chair and carried, and H.B. No. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF PUBLIC LANDS," was recommitted to the Committee on Finance, with Representatives Bertram, Ching, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

STANDING COMMITTEE REPORTS

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 673-10) recommending that H.R. No. 16, be adopted; and

(Stand. Com. Rep. No. 674-10) recommending that H.C.R. No. 54, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 16, and H.C.R. No. 54, be adopted, seconded by Representative Evans.

Representative Mizuno rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support if I may on Stand. Com. Report Nos. 673 and 674. Thank you, Mr. Speaker. The United States Constitution requires a national census, which is a count of everyone residing in our nation, once every ten years. The allocation of federal and state funding for critical social services and other public purposes depends on complete and accurate age, population, and demographic information. The federal government can allocate over $400 billion to states in large part on census data. This was pointed out by the Representative from Makiki.

"However, in the last census, Hawaii was determined to have the second highest census undercount. That's correct, undercount, which has resulted in the loss of millions of dollars in federal funds for each of the last ten years. Mr. Speaker, last year federal grants to Hawaii totaled nearly $290 million, including $88 million for education and $97 million for health and human services. Therefore the most compelling reason to participate in the census is to benefit our State by allowing us to get our fair share of federal funding. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 16, entitled: "HOUSE RESOLUTION SUPPORTING THE UNITED STATES BUREAU OF THE CENSUS AND URGING ALL HAWAII RESIDENTS TO PARTICIPATE IN 2010," was adopted, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused; and

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES BUREAU OF THE CENSUS AND URGING ALL HAWAII RESIDENTS TO PARTICIPATE IN 2010," was adopted, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 675-10) recommending that S.B. No. 2015, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2015, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 676-10) recommending that S.B. No. 2017, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 677-10) recommending that S.B. No. 2812, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 678-10) recommending that S.B. No. 2602, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 75) and concurrent resolution (H.C.R. No. 135) were referred to Printing and further action was deferred:

H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AND IMPLEMENT A MEDICAL RELEASE PROGRAM AND PROVIDE INFORMATION RELATED TO DEATHS AT HAWAII, CONTRACT, AND INTERSTATE COMPACT INMATE FACILITIES," was offered by Representative Hanohano.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP AND IMPLEMENT A MEDICAL RELEASE PROGRAM AND PROVIDE INFORMATION RELATED TO DEATHS AT HAWAII, CONTRACT, AND INTERSTATE COMPACT INMATE FACILITIES," was offered by Representative Hanohano.

ANNOUNCEMENTS

Representative Cabanilla: "Mr. Speaker, Members, I'm really excited to let you know that one of our Members is celebrating another year. He's another year older, but that's okay. And this is none other than the Representative from the district that collects the highest general excise tax. Can you please stand to be recognized."

Vice Speaker Magaoay: "Representative Brower, since you're from the district with the highest income generation, do you have any comments you would like to share with the Body?"

Representative Brower: "Well Mr. Speaker, I'm just glad that we didn't make a motion to recommit any of the statements that the Housing Chair said today. I'm just very excited to be recognized. Thank you."

ADJOURNMENT

At 1:20 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 3:00 o'clock p.m. tomorrow, Thursday, March 4, 2010. (Representatives Bertram, Hanohano, Marumoto, Nakashima, M. Oshiro, Thielen, Tokioka and Ward were excused.)

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"March 3, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 2350, S.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION."

S.B. No. 2570, S.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD."

S.B. No. 2807, S.D. 2
"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT."

Respectfully,
/s/ Carol Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

TWENTY-FOURTH DAY

Thursday, March 4, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 3:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Blanka Mooney, legislative intern for Representative Blake Oshiro, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Cabanilla, Har, M. Oshiro, Pine and Thielen, who were excused.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Twelfth, Thirteenth and Fourteenth Days were approved. (Representatives Bertram, Cabanilla, Har, Nishimoto, M. Oshiro, Pine and Thielen were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 198 through 201) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 198, dated January 26, 2010, transmitting the report entitled "Urging the Development of a Plan for Increasing Aid and Assistance to Certified Organic Farmers" as required pursuant to Senate Concurrent Resolution No. 38, 2009 Session.

Gov. Msg. No. 199, dated March 1, 2010, transmitting the 2009 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

Gov. Msg. No. 200, dated March 1, 2010, transmitting the Department of Land and Natural Resources' report, Requesting The Na Ala Hele Advisory Council To Convene A Series Of Discussions On The Safe Use Of Hunting Dogs On Trails That Cross Public Hunting Areas, in response to House Concurrent Resolution 60, Senate Draft 1, Regular Session of 2009.

Gov. Msg. No. 201, dated March 1, 2010, transmitting a diskette of the Department of Land and Natural Resources' report on the Accounting Of All Receipts From Lands Described In Section 5(f) Of The Admission Act For Fiscal Year 2009-2009 (due to volume of the attachments) as required by Section 5 of Act 178, Session Laws of Hawaii, 2006.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 322 through 332) were received and announced by the Clerk:

Sen. Com. No. 322, transmitting H.B. No. 2169, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 3, 2010.

Sen. Com. No. 323, informing the House that the Senate has on March 3, 2010, passed the following Senate Bill on Final Reading:

S.B. No. 520, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT."

Sen. Com. No. 324, transmitting S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," which was adopted by the Senate on March 4, 2010.

Sen. Com. No. 325, transmitting S.C.R. No. 32, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," which was adopted by the Senate on March 4, 2010.

Sen. Com. No. 326, transmitting S.C.R. No. 76, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO RECOMMEND STATUTORY AMENDMENTS TO ADDRESS THE SAFE AND PROPER OPERATION OF BICYCLES, MOPEDS, TWO-SEAT MOPEDS, SEGWAYS, HYBRID BICYCLES, AND POWERFUL MOPEDS," which was adopted by the Senate on March 4, 2010.

Sen. Com. No. 327, transmitting S.B. No. 2395, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on March 4, 2010.

Sen. Com. No. 328, transmitting S.B. No. 2527, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 4, 2010.

Sen. Com. No. 329, transmitting S.B. No. 2534, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BAIL," which passed Third Reading in the Senate on March 4, 2010.

Sen. Com. No. 330, transmitting S.B. No. 2738, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION," which passed Third Reading in the Senate on March 4, 2010.

Sen. Com. No. 331, transmitting S.B. No. 2897, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 4, 2010.

Sen. Com. No. 332, transmitting H.B. No. 2077, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 4, 2010.

On motion by Representative Evans, seconded by Representative Ching and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Bertram, Cabanilla, Har, M. Oshiro, Pine and Thielen were excused.)

S.B. No. 2395, SD 2
S.B. No. 2527, SD 2
S.B. No. 2534, SD 2
S.B. No. 2738, SD 2
S.B. No. 2897, SD 2

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Bertram, Cabanilla, Har, M. Oshiro, Pine and Thielen were excused.)

H.B. No. 2077, HD 1, (SD 1)

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Chang introduced the wife of former Sergeant-at-Arms Mr. Frank Arakaki, Mrs. Blanche Arakaki. She was accompanied by her son Mr. Ryan Arakaki, and his girlfriend Ms. Molly Kluth; and Molly's parents, Mrs. Pam and Mr. Lee Kluth, who were visiting from Seattle, Washington.

At 3:13 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:33 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
72	Committee on Health
73	Committee on Energy & Environmental Protection, then to the Committee on Finance
74	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism, Culture, & International Affairs
75	Committee on Public Safety, then to the Committee on Finance

H.C.R. Nos.	Referred to:
131	Committee on Health
132	Committee on Energy & Environmental Protection, then to the Committee on Finance
133	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism, Culture, & International Affairs
134	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance
135	Committee on Public Safety, then to the Committee on Finance

S.B. Nos.	Referred to:
2028, SD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2045, SD1	Committee on Judiciary
2054, SD2	Committee on Public Safety, then to the Committee on Finance
2083, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Education, then to the Committee on Finance
2099, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2105, SD2	Committee on Transportation, then to the Committee on Health, then to the Committee on Finance
2115, SD1	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
2116, SD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2121	Committee on Education, then to the Committee on Judiciary
2137, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
2153, SD1	Committee on Judiciary, then to the Committee on Finance
2154, SD1	Committee on Judiciary
2162, SD2	Committee on Health, then to the Committee on Judiciary
2226, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2251, SD1	Committee on Judiciary, then to the Committee on Finance
2252, SD1	Committee on Judiciary, then to the Committee on Finance
2276, SD1	Committee on Housing, then to the Committee on Judiciary
2278, SD2	Committee on Housing, then to the Committee on Judiciary
2290, SD2	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2324, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
2331, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
2335, SD2	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2350, SD1	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2356, SD2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2368	Committee on Human Services, then to the Committee on Judiciary
2371, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce
2373, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2383	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2395, SD2	Committee on Finance
2420, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
2450, SD1	Committee on Judiciary

2460, SD1 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2466, SD2 Jointly to the Committee on Health and the Committee on Agriculture, then to the Committee on Finance

2474, SD1 Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

2527, SD2 Committee on Agriculture, then to the Committee on Finance

2559, SD2 Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2570, SD1 Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance

2589, SD2 Committee on Education, then to the Committee on Finance

2603, SD2 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

2617, SD1 Committee on Judiciary, then to the Committee on Finance

2625, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

2626, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

2662, SD2 Committee on Judiciary

2669, SD2 Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2709, SD1 Committee on Education, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

2716, SD2 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2726, SD2 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

2728, SD2 Committee on Health, then to the Committee on Judiciary

2738, SD2 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2745, SD2 Committee on Health, then to the Committee on Judiciary

2752, SD1 Committee on Judiciary, then to the Committee on Finance

2770, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce

2772, SD2 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2775, SD1 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2799, SD2 Committee on Judiciary, then to the Committee on Finance

2800, SD1 Committee on Judiciary

2806, SD2 Committee on Finance

2817, SD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Judiciary

2818, SD2 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

2843, SD2 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

2844, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce

2858, SD2 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

2873, SD1 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary

2874, SD1 Committee on Education, then to the Committee on Finance

2877, SD1 Committee on Judiciary

2878, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2879, SD1 Committee on Judiciary

2883, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

2910 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

2911, SD2 Committee on Judiciary

2926, SD2 Committee on Energy & Environmental Protection, then to the Committee on Finance

2937, SD1 Committee on Judiciary

2951, SD2 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.C.R. No.	Re-referred to:
56	Committee on Education, then to the Committee on Finance

UNFINISHED BUSINESS

Stand. Com. No. 477-10 and S.B. No. 1059, SD 2, HD 2:

By unanimous consent, action was deferred to Monday, March 8, 2010.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ching and carried, the rules were suspended for the purpose of considering certain Senate Bills and a House Bill for Third Reading by consent calendar. (Representatives Bertram, Har, Pine and Thielen were excused.)

UNFINISHED BUSINESS

H.B. No. 2003, HD 3:

Representative B. Oshiro moved that H.B. No. 2003, HD 3, pass Third Reading, seconded by Representative Evans.

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just very briefly, I rise in support. This bill has been a long time in the making. The Campaign Spending Commission has worked tirelessly for years to recodify our outdated and piecemeal campaign finance laws. H.B. 2003, HD 3 is the culmination of all this effort.

"It streamlines our campaign finance laws into simple and straightforward language. It upholds Hawaii's high standard of transparency and accountability, preventing even the appearance of impropriety by prohibiting political contributions from State contractors. And it addresses the broad impact of unrestricted and unregulated corporate contributions.

"We've tried to incorporate in this draft the exact language and intent of the Hawaii State Campaign Spending Commission. Nothing more, and nothing less. However, there's still more work ahead. In addition to this language, much of which the Commission introduced in their first draft of the bill, changes have been made throughout the legislative process that they have adopted as their own. We must be sure that all the final and necessary changes and tweaks requested by the Commission are incorporated into a final draft before becoming law. Thank you."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support, and may I insert written comments."

Representative Belatti's written remarks are as follows:

"I rise in strong support of HB 2003, HD 3. The recodification of the campaign finance law is long overdue without tinkering by the Legislature. As noted in the testimony of the Campaign Spending Commission, this bill is the work-product of the Commission's Blue Ribbon Recodification Committee that completed its work in 2008 after meeting regularly for nine months. The Committee was comprised of the Commission's staff and seventeen volunteer attorneys experienced in campaign finance laws and representing diverse interests. This bill reorganizes previously unorganized, difficult to read, and inconsistent provisions in the current law that has been amended in piecemeal fashion since the campaign finance law was originally promulgated in 1973.

"Undoubtedly, there are other areas that different advocates and legislators may want to change. Because these changes ultimately involve specific policy questions beyond the realm of the Recodification Committee, the Legislature should make these changes in different bills and allow the work of the Recodification Committee to move forward in this bill. For these reasons, I support HB 2003, HD 3."

The motion was put to vote by the Chair and carried, and H.B. No. 2003, HD 3, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Har, Pine and Thielen being excused.

At 3:36 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2003, HD 3

STANDING COMMITTEE REPORTS

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 679-10), recommending that H.R. No. 41, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 680-10), recommending that H.C.R. No. 92, be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 41, and H.C.R. No. 92, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I rise in support with mild reservations. Mr. Speaker, I was very moved by the comments of the Majority Leader's staff as one of the newest Americans and coming from Serbia, in talking about how great America is, how great our freedoms are. I am being reminded that this measure says that the government has to teach people how to pour alcoholic drinks. The government has to show how drunkenness occurs.

"I'm not sure why the land of the free and the home of the brave has to take over the private sector. We know that on a national level, this is getting increasingly, a creeping phenomenon, that the strong, the independent people, that the young lady from Serbia, now an American, just reminded us of who we are. I think, Mr. Speaker, we have to return to a little bit more independence and not the 'nanny state' that we tend to be nudging ourselves towards. This is a nice measure that's warm and fuzzy, but do we have to do that? That's the question. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, I rise in support. I'd like to address the reason why we should move forward with this measure. On the Big Island, Mr. Speaker, only just about a week and a half ago we had a young high school girl killed, from Kealakehe High School. The students are so upset that they asked Representatives to join them this Saturday in sign waving to ask people to stop drinking and driving.

"The problem on the Big Island continues. We see it all the time, people getting killed from drunken driving. As a matter of fact a task force was created many years ago and people meet every year to talk about how we're going to stop the accidents that happens on our roads. From that task force they've created several ideas on what to address.

"One of those ideas is server training. In researching these resolutions, what we found is that liquor commissions on each island, several of them

are trying to address this idea of server training. There are some pilot projects. There are examples of how they're looking at doing server training. One of the things that came up is, because this is such an important issue, it probably should elevate itself to server training being equal on all islands. So that when people that work in bars and restaurants and waitresses, as they move around the islands, they actually will qualify, they're certified and have reached a certain level of training.

"I think it's worthy of us looking at it as a statewide program. I think it will help the liquor commissions. It will help our workers that want to move around the islands. And more importantly, this is being recommended by the community as a possibility, and that's what this study is about. It's the feasibility of doing this. It's a possibility because we've got to stop this. Too many people are dying on our roads. Thank you, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was referred to the Committee on Consumer Protection & Commerce with Representatives Bertram, Har, Pine and Thielen being excused; and

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was referred to the Committee on Consumer Protection & Commerce with Representatives Bertram, Har, Pine and Thielen being excused.

THIRD READING

S.B. No. 2015, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2015, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Har, Pine and Thielen being excused.

S.B. No. 2017:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Har, Pine and Thielen being excused.

S.B. No. 2812, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Third Reading by a vote of 47 ayes, with Representatives Bertram, Har, Pine and Thielen being excused.

At 3:41 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2015, SD 1
S.B. No. 2017
S.B. No. 2812, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 78 through 92) and concurrent resolutions (H.C.R. Nos. 136 through 154) were referred to Printing and further action was deferred:

H.R. No. 78, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND TITLE 49 CODE OF FEDERAL REGULATIONS SECTION 383.3 TO ALLOW BOTH ACTIVE AND FORMER MILITARY PERSONNEL TO OBTAIN COMMERCIAL DRIVER'S LICENSES," was jointly offered by Representatives McKelvey, Carroll, Evans, Ito, Takai and Yamane.

H.R. No. 79, entitled: "HOUSE RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE EXPENSES TO REDUCE THE NEED TO INCREASE MAINTENANCE FEES AND DUES," was offered by Representative Cabanilla.

H.R. No. 80, entitled: "HOUSE RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was jointly offered by Representatives Takumi, Awana, Brower, Chong, Evans, Herkes, Keith-Agaran, M. Lee, Luke, Mizuno, Morita, B. Oshiro, M. Oshiro, Say, Souki, Tsuji, Wooley, Yamashita, Cabanilla and Wakai.

H.R. No. 81, entitled: "HOUSE RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," was jointly offered by Representatives Manahan, Aquino, Tokioka and Souki.

H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was jointly offered by Representatives Manahan, Aquino and McKelvey.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY, ANALYZE, AND PROVIDE A RECOMMENDATION ON THE MOST COST EFFECTIVE HEALTH BENEFIT INSURANCE PLAN TO PROVIDE TO ALL GOVERNMENT WORKERS THAT ARE CURRENTLY COVERED BY THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was jointly offered by Representatives Manahan and Aquino.

H.R. No. 84, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was offered by Representative Rhoads.

H.R. No. 85, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO LEASE THE EWA VILLAGES MANSION AND CEMETERY TO THE EWA HISTORICAL SOCIETY TO PROTECT, PRESERVE, AND RESTORE THESE HISTORICAL PLACES," was offered by Representative Cabanilla.

H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING THE INCREASED HIRING OF NURSES RESIDENT IN HAWAII AND THE DECREASED HIRING OF FOREIGN NURSES," was offered by Representative Cabanilla.

H.R. No. 87, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR HOMELESS SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was offered by Representative Cabanilla.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was offered by Representative Hanohano.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THAT A TOURISM TASK FORCE BE CREATED AND TO FOCUS ON INCREASING TOURISM FROM TAIWAN AND CHINA," was jointly offered by Representatives Ching, Brower, Marumoto, Pine, Ward, C. Lee and Rhoads.

H.R. No. 90, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPROVE ACCESS TO TARO GROWING LANDS AND OPPORTUNITIES FOR TARO SELF-SUFFICIENCY," was jointly offered by Representatives Carroll, Hanohano, McKelvey, Mizuno and Coffman.

H.R. No. 91, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS, IN COLLABORATION WITH PAPA OLA LOKAHI AND THE UNIVERSITY OF HAWAII DEPARTMENT OF NATIVE HAWAIIAN HEALTH, TO DEVELOP A STRATEGY TO ADDRESS THE LONG TERM HEALTHCARE NEEDS OF THE NATIVE HAWAIIAN POPULATION," was jointly offered by Representatives Carroll, Coffman, Hanohano, McKelvey and Mizuno.

H.R. No. 92, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY TO WORK WITH THE FEDERAL DETENTION CENTER IN HONOLULU TO RESTORE INMATE WORKLINES AT THE CENTER," was jointly offered by Representatives Carroll, Coffman, Hanohano and McKelvey.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING AN ATTORNEY POSITION TO REPRESENT THE INTERESTS OF STUDENTS IN COLLECTIVE BARGAINING PROCEEDINGS THAT AFFECT THE NUMBER OF INSTRUCTIONAL DAYS AND HOURS OFFERED BY THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi and Thielen.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO AMEND TITLE 49 CODE OF FEDERAL REGULATIONS SECTION 383.3 TO ALLOW BOTH ACTIVE AND FORMER MILITARY PERSONNEL TO OBTAIN COMMERCIAL DRIVER'S LICENSES," was jointly offered by Representatives McKelvey, Carroll, Evans, Ito, Takai and Yamane.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE EXPENSES TO REDUCE THE NEED TO INCREASE MAINTENANCE FEES AND DUES," was offered by Representative Cabanilla.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," was jointly offered by Representatives B. Oshiro, Aquino, Hanohano, Ito and Karamatsu.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was jointly offered by Representatives Takumi, Awana, Brower, Chong, Evans, Herkes, Keith-Agaran, M. Lee, Luke, Mizuno, Morita, B. Oshiro, M. Oshiro, Say, Souki, Tsuji, Wooley, Yamashita, Cabanilla and Wakai.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," was jointly offered by Representatives Manahan, Aquino, Tokioka and Souki.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was jointly offered by Representatives Manahan, Aquino and McKelvey.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY, ANALYZE, AND PROVIDE A RECOMMENDATION ON THE MOST COST EFFECTIVE HEALTH BENEFIT INSURANCE PLAN TO PROVIDE TO ALL GOVERNMENT WORKERS THAT ARE CURRENTLY COVERED BY THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was jointly offered by Representatives Manahan and Aquino.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII AT MANOA TO RECONSIDER THE RECONSOLIDATION PLANS FOR THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT," was jointly offered by Representatives Manahan, Aquino and Tokioka.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was offered by Representative Rhoads.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO LEASE THE EWA VILLAGES MANSION AND CEMETERY TO THE EWA HISTORICAL SOCIETY TO PROTECT, PRESERVE, AND RESTORE THESE HISTORICAL PLACES," was offered by Representative Cabanilla.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INCREASED HIRING OF NURSES RESIDENT IN HAWAII AND THE DECREASED HIRING OF FOREIGN NURSES," was offered by Representative Cabanilla.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR HOMELESS SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was offered by Representative Cabanilla.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was offered by Representative Hanohano.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING WATER HAULERS THAT PROVIDE WATER TO CUSTOMERS WITH CATCHMENT TANKS TO CONDUCT PH TESTS OF THOSE CUSTOMERS' CATCHMENT TANKS AT NO CHARGE," was jointly offered by Representatives Herkes and Hanohano.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A TOURISM TASK FORCE BE CREATED AND TO FOCUS ON INCREASING TOURISM FROM TAIWAN AND CHINA," was jointly offered by Representatives Ching, Brower, Marumoto, Ward, C. Lee, Pine and Rhoads.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPROVE ACCESS TO TARO GROWING LANDS AND OPPORTUNITIES FOR TARO SELF-SUFFICIENCY," was jointly offered by Representatives Carroll, Hanohano, McKelvey, Mizuno and Coffman.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS, IN COLLABORATION WITH PAPA OLA LOKAHI AND THE UNIVERSITY OF HAWAII DEPARTMENT OF NATIVE HAWAIIAN HEALTH, TO DEVELOP A STRATEGY TO ADDRESS THE LONG-TERM HEALTHCARE NEEDS OF THE NATIVE HAWAIIAN POPULATION," was jointly offered by Representatives Carroll, Coffman, Hanohano, McKelvey and Mizuno.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF PUBLIC SAFETY TO WORK WITH THE FEDERAL DETENTION CENTER IN HONOLULU TO RESTORE INMATE WORKLINES AT THE CENTER," was jointly offered by Representatives Carroll, Coffman, Hanohano and McKelvey.

ANNOUNCEMENTS

Representative Ito: "Mr. Speaker and Members. This is just a reminder that tomorrow, the Committee on Water, Land, and Ocean Resources is going to have a hearing at 11:45 a.m. in Conference Room 325."

Speaker Say: "At 11:45? That's 15 minutes before session?"

Representative Ito: "No worry. I can handle, Mr. Speaker."

ADJOURNMENT

At 3:42 o'clock p.m. on motion by Representative Evans, seconded by Representative Ching and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 5, 2010. (Representatives Bertram, Har, Pine and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 4, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 2077, HD 1, SD 1

TWENTY-FIFTH DAY

Friday, March 5, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by former Representative Michael Puamamo Kahikina, after which the Roll was called showing all Members present with the exception of Representative Bertram and Cabanilla, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Fourth Day was deferred.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Brower introduced Ms. Brittany Amano, 7th grade student at Washington Middle School, recipient of the Prudential Spirit of Community Award.

Ms. Amano was accompanied by her family: parents, Ms. Risa and Mr. Gordon Lau; grandmother, Ms. Yasuko Amano; sister, Miss Ashley Lau; and her school principal, Mr. Michael Harano. They were also accompanied by his legislative staff, Ms. Cynthia Nyross and Ms. Traci Toguchi.

Representative Wooley introduced Ms. Lena Soliven, community leader and resident of Kahana Valley.

Representative Wakai introduced students visiting the Capitol and participating in a mock hearing: Ms. Denika Martin, Ms. Nami Campbell, Ms. Olivia Whitehurst, Mr. Lyndon Zhang, Mr. Jonathan Say, Mr. John Rankin, Ms. Rechung Fujihara, Ms. Jennifer Koon, and Ms. Kelli Miura. They were accompanied by Mr. Brian Kajiyama who also participated in the student's program.

Representative Aquino, on behalf of the Waipahu Delegation, introduced Mr. Jason Ulep and members of the Hyper Squad Dance Company in Waipahu (HYPE 50). They were accompanied by their families, as well as legislative staff, Ms. Maureen Andrade and Ms. Ruffalyne Sunajo.

Representative Mizuno introduced officials from Okinawa, Japan who were here celebrating the 20th anniversary of the Hawaii-Okinawa Sister-State Student Exchange Program:

The Honorable Zenki Nakazato, Vice Governor of Okinawa;
Mr. Seihachiro Kin, Superintendant of the Okinawa Prefectural Board of Education; and
Mr. Kenyu Yonaha, Deputy Councilor for Department of Education in Okinawa.

The Okinawa delegation was accompanied by former Representative Dennis Arakaki and legislative staff, Ms. Arianne Cameros.

Representative M. Oshiro, on behalf of his Okinawan colleagues, Representatives B. Oshiro, Shimabukuro, Takumi, Cabanilla and Mizuno, introduced exchange students from Okinawa; their host families; and their teachers, Mr. Jun Shimada, Ms. Tatsuno Chinen and Mr. Tamotsu Miyagi. They were accompanied by Ms. Susan Sato, Student Association Coordinator from the Hawaii Department of Education.

Representative Takai also introduced Ms. Jane Serikaku, Executive Director of Hawaii United Okinawa Association.

Representative Berg introduced NCLS's Project Citizen teachers:

Ms. Rhodora Orias of Aliamanu Middle School;
Ms. Nicole Maraglio of Waimea Elementary;
Ms. Shirley Shimogawa and Ms. Ramona Kahawaii of Kapunahala Elementary;
Mr. Joey Miyashiro of Kalakaua Middle School;
Ms. Amber Roy, Ms. Cheri Higashihara and Ms. Vicki Minello of Alvah Scott Elementary;
Ms. Christine Hernandez and Ms. Lailanie Del Mundo of Mililani High School; and
Ms. Kara Kusonoki of Kapolei Middle School.

The teachers were accompanied by Project Citizen District Coordinator, Mr. Jason Duncan of Kapolei Middle School, and legislative staff, Ms. Jen Wilbur and Ms. Marata Tamaira.

Representative Ito introduced Mr. Mike Hirano, Principal of Washington Middle School.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
78	Committee on Transportation, then to the Committee on Economic Revitalization, Business, & Military Affairs
79	Committee on Housing, then to the Committee on Consumer Protection & Commerce
80	Committee on Higher Education
81	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Transportation
82	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs
83	Committee on Labor & Public Employment, then to the Committee on Finance
84	Committee on Labor & Public Employment, then to the Committee on Finance
85	Committee on Tourism, Culture, & International Affairs
86	Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
87	Committee on Housing, then to the Committee on Finance
88	Committee on Public Safety, then to the Committee on Judiciary
89	Committee on Tourism, Culture, & International Affairs
90	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
91	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
92	Committee on Public Safety, then to the Committee on Finance

H.C.R. Nos.	Referred to:
136	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
137	Committee on Transportation, then to the Committee on Economic Revitalization, Business, & Military Affairs
138	Committee on Housing, then to the Committee on Consumer Protection & Commerce
139	Committee on Public Safety, then to the Committee on Finance
140	Committee on Higher Education
141	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Transportation
142	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs
143	Committee on Labor & Public Employment, then to the Committee on Finance
144	Jointly to the Committee on Higher Education and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
145	Committee on Labor & Public Employment, then to the Committee on Finance
146	Committee on Tourism, Culture, & International Affairs
147	Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
148	Committee on Housing, then to the Committee on Finance
149	Committee on Public Safety, then to the Committee on Judiciary
150	Committee on Health
151	Committee on Tourism, Culture, & International Affairs
152	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
153	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
154	Committee on Public Safety, then to the Committee on Finance

S.B. Nos.	Referred to:
2534, SD2	Committee on Judiciary, then to the Committee on Finance
2897, SD2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

S.C.R. Nos.	Referred to:
31, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
32, SD1	Committee on Health, then to the Committee on Finance
76	Committee on Transportation, then to the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B. No.	Re-referred to:
506, SD1, HD1	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture
2432	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 106) was announced by the Clerk and the following action taken:

H.R. No. 106, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING MADD HAWAII FOR ITS CONTRIBUTION TO MAKING HAWAII A SAFER PLACE ON THE OCCASION OF ITS 25TH ANNIVERSARY," was jointly offered by Representatives Souki, Awana, Har, Ito, Karamatsu, Keith-Agaran, Magaoay, Manahan, Mizuno, Morita, Rhoads, Sagum, Say, Tsuji, Yamane and Yamashita.

Representative Souki moved that H.R. No. 106 be adopted, seconded by Representative Har.

Representative Souki recognized and commended MADD for their many years of dedicated service to the community, and contributions to saving lives.

Representative Souki then introduced and recognized the honorees representing MADD seated on the Floor of the House:

Ms. Carol McNamee, founder of the Hawaii Chapter of MADD;

Mr. Arkie Koehl, Chair of the MADD State Operations Council; and

Ms. Jennifer Dotson, Executive Director.

Representative Har further recognized MADD for their efforts to implement an ignition interlock program in Hawaii, and thanked them for their work toward saving lives.

Representative Ward further commended Ms. Carol McNamee for her tireless work and commitment.

The motion was put to vote by the Chair and carried, and H.R. No. 106 was adopted, with Representatives Bertram, Cabanilla, Herkes and Magaoay being excused.

The following resolution (H.R. No. 107) was announced by the Clerk and the following action taken:

H.R. No. 107, entitled: "HOUSE RESOLUTION HONORING THE JAPANESE CULTURAL CENTER OF HAWAII FOR THEIR CONTINUED EFFORTS TO SUPPORT THE HAWAII INTERNMENT PROJECT," was jointly offered by Representatives Wakai, Chang, Herkes, Manahan, Marumoto, McKelvey, Morita, Takumi, Sagum and Tokioka.

Representative Wakai moved that H.R. No. 107 be adopted, seconded by Representative Marumoto.

Representative Wakai recognized and commended the Japanese Cultural Center for their support of the Hawaii Internment Project and their efforts to raise awareness and tell the story of Japanese internment in Hawaii during World War II.

Representative Marumoto then introduced and recognized honorees representing the Japanese Cultural Center and the Hawaii Internment Project who were seated on the Floor of the House:

Mr. Curt Otaguro, member of the Board of Directors of the Japanese Cultural Center of Hawaii;

Mr. Brian Niiya, Director of Program Development and the Resource Center at the Japanese Cultural Center of Hawaii;

Ms. Jane Kurahara, Co-Chair of the Hawaii Confinement Sites Committee;

Ms. Betsy Young, Chair of the Day of Remembrance, held on February 21, 2010; and

Mr. Alan Rosenfeld, Professor at UH West Oahu.

Representative Marumoto also introduced supporters seated in the Gallery:

Ms. Rattana Soubandith, Member of the JCCH Board of Governors;

Ms. Allicyn Tasaka, JCCH Chief Operating Officer;

Mr. Jim and Mrs. Yoshie Tanabe, JCCH Members;

Ms. Helene Minehira, evacuee from Puuloa during WWII; and

Ms. Taka Nishimoto, whose husband's family was interned at Rohwer, Arkansas.

Representative Brower, on behalf of his mother who was born in an internment camp in WWII, thanked the JCCH for their work.

Representative Karamatsu further thanked JCCH for their work in furthering civil rights, and for educating and inspiring future generations.

Representative Har further commended the JCCH and the Hawaii Internment Project for encouraging the community remember the past as we move toward the future.

Representative Ching applauded the JCCH for their work in educating our *keiki*.

The motion was put to vote by the Chair and carried, and H.R. No. 107 was adopted, with Representatives Bertram, Cabanilla, Herkes and Magaoay being excused.

At 12:46 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 681-10) recommending that H.B. No. 2000, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 681-10 on H.B. No. 2000, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2000, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 682-10) recommending that H.B. No. 2200, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2200, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with reservations and I'll save my comments for Monday."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading with Representatives Aquino, Bertram, Cabanilla, Hanohano, Herkes and Magaoay being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Aquino, Bertram, Cabanilla, Hanohano, Herkes and Magaoay were excused.)

THIRD READING

S.B. No. 2602, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed Third Reading by a vote of 45 ayes, with Representatives Aquino, Bertram, Cabanilla, Hanohano, Herkes and Magaoay being excused.

At 1:01 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2602, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 93 through 105) and concurrent resolutions (H.C.R. Nos. 155 through 169) were referred to Printing and further action was deferred:

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was jointly offered by Representatives M. Lee, Aquino, Brower, Choy, Coffman, C. Lee, M. Oshiro and Sagum.

H.R. No. 94, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO USE AND CONSIDER GENDER EQUALITY WHEN APPOINTING JUDGES AND JUSTICES TO HAWAII COURTS," was jointly offered by Representatives M. Lee, Belatti, Cabanilla, Hanohano, Marumoto, Morita, B. Oshiro, Rhoads, Takai, Thielen, Keith-Agaran, Shimabukuro and Wooley.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO IMPLEMENT A PEDESTRIAN FLAG SAFETY PROGRAM," was jointly offered by Representatives M. Lee, Awana, Brower, Mizuno, Rhoads, Souki, Tsuji and Wooley.

H.R. No. 96, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was jointly offered by Representatives M. Lee, Awana, Hanohano, Manahan, Mizuno, Rhoads, Souki, Tsuji, Wooley, Yamane, Aquino, Chong, Karamatsu, Nakashima, and B. Oshiro.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST SCHOOLS TO ESTABLISH WALK + BIKE SCHOOL BUS PROGRAMS STATEWIDE," was jointly offered by Representatives M. Lee, Aquino, Awana, Chong, Hanohano, Har, Karamatsu, Manahan, Mizuno, Nakashima, B. Oshiro, Rhoads, Tsuji, Wooley, Yamane and Souki.

H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was jointly offered by Representatives M. Lee, Aquino, Awana, Chong, Hanohano, Har, Karamatsu, Manahan, Mizuno, Tsuji, Yamane, Nakashima, B. Oshiro, Rhoads, Souki and Wooley.

H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA," was jointly offered by Representatives M. Lee, Hanohano, Rhoads, Awana, Har, Marumoto and Nishimoto.

H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was jointly offered by Representatives M. Lee, Awana, Hanohano, Har, Nishimoto, Rhoads and Marumoto.

H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was offered by Representative Coffman.

H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION, TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was jointly offered by Representatives Manahan and Aquino.

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was jointly offered by Representatives Berg, Brower, Carroll, Hanohano, C. Lee, Luke, Morita, Sagum, Shimabukuro and Tsuji.

H.R. No. 104, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS CONTRACTS THAT INCARCERATED NATIVE HAWAIIANS BE FREE TO PRACTICE THEIR NATIVE HAWAIIAN RELIGION AS WELL AS ONE OTHER FAITH," was offered by Representative Hanohano.

H.R. No. 105, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR, THE AFGHANISTAN-IRAQ WAR, AND TO WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was jointly offered by Representatives Evans, McKelvey and Choy.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was jointly offered by Representatives M. Lee, Aquino, Brower, Choy, Coffman, C. Lee, M. Oshiro and Sagum.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO USE AND CONSIDER GENDER EQUALITY WHEN APPOINTING JUDGES AND JUSTICES TO HAWAII COURTS," was jointly offered by Representatives M. Lee, Belatti, Cabanilla, Hanohano, Marumoto, Morita, B. Oshiro, Rhoads, Shimabukuro, Takai, Thielen, Keith-Agaran and Wooley.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO IMPLEMENT A PEDESTRIAN FLAG SAFETY PROGRAM," was jointly offered by Representatives M. Lee, Awana, Brower, Mizuno, Rhoads, Souki, Tsuji and Wooley.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was jointly offered by Representatives M. Lee, Aquino, Awana, Hanohano, Manahan, Mizuno, Rhoads, Souki, Tsuji, Wooley, Yamane, Chong, Karamatsu, Nakashima, and B. Oshiro.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST SCHOOLS TO ESTABLISH WALK + BIKE SCHOOL BUS PROGRAMS STATEWIDE," was jointly offered by Representatives M. Lee, Aquino, Awana, Chong, Hanohano, Har, Karamatsu, Manahan, Mizuno, Nakashima, B. Oshiro, Rhoads, Souki, Tsuji, Wooley and Yamane.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was jointly offered by Representatives M. Lee, Aquino, Awana, Chong, Hanohano, Har, Karamatsu, Manahan, Mizuno, Tsuji, Yamane, Nakashima, B. Oshiro, Rhoads, Souki and Wooley.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA," was jointly offered by Representatives M. Lee and Awana.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was jointly offered by Representatives M. Lee, Awana, Hanohano, Har, Nishimoto, Rhoads and Marumoto.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF AND STEPS THAT MUST BE TAKEN TO EFFECTUATE TRANSFERRING SCHOOLS ON MILITARY BASES IN HAWAII TO THE DEPARTMENT OF DEFENSE EDUCATIONAL ACTIVITY," was jointly offered by Representatives M. Lee, Awana, Hanohano, Har, Rhoads and Marumoto.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was offered by Representative Coffman.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EFFICIENCY AND EFFECTIVENESS OF THE CHILD WELFARE SERVICES PROGRAM IN PROCESSING AND INVESTIGATING COMPLAINTS OF CHILD ABUSE AND NEGLECT AND MISUSE OF CHILD SUPPORT," was offered by Representative Yamane.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION, TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was jointly offered by Representatives Manahan and Aquino.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was jointly offered by Representatives Berg, Brower, Carroll, Coffman, Hanohano, C. Lee, Luke, Morita, Sagum, Shimabukuro and Tsuji.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS CONTRACTS THAT INCARCERATED NATIVE HAWAIIANS BE FREE TO PRACTICE THEIR NATIVE HAWAIIAN RELIGION AS WELL AS ONE OTHER FAITH," was offered by Representative Hanohano.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR, THE AFGHANISTAN-IRAQ WAR, AND TO WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was jointly offered by Representatives Evans, McKelvey and Choy.

ANNOUNCEMENTS

Representative Choy: "Thank you, Mr. Speaker. Mr. Speaker, tonight is the night. You and I both know that these nights are few and far in between. In fact the last time was a year ago. So it's with great anticipation that I invite you and the rest of the Members to Art in the Capitol tonight and it will be happening about 4:00 right here at the Capitol. Thank you."

Representative Ward: "Thank you, Mr. Speaker. This week, March 1 through 7 is National Peace Corp Week and we will be celebrating tonight at the Korean Studies Center on the East-West Center Campus. I have the honor of having been a volunteer, as well as a country director. And the honor of presenting the Governor's Proclamation tonight and introducing our special guest, Maya Soetoro-Ng the President's sister. Thank you, Mr. Speaker."

ADJOURNMENT

At 1:02 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 8, 2010. (Representatives Aquino, Bertram, Cabanilla, Hanohano, Herkes and Magaoay were excused.)

TWENTY-SIXTH DAY

Monday, March 8, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:10 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Pastor Brandon Ahu of New Hope Leeward, after which the Roll was called showing all Members present with the exception of Representatives Bertram and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 202) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 202, dated March 1, 2010, transmitting the Hawaii Community Development Authority's Annual Report for fiscal year ending June 30, 2009.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 333 through 337) were received and announced by the Clerk:

Sen. Com. No. 333, transmitting S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING PUBLIC AND PRIVATE SCHOOLS TO INCORPORATE MORE KINESTHETIC AND OTHER TYPES OF LEARNING INTO SCHOOL CURRICULA," which was adopted by the Senate on March 5, 2010.

Sen. Com. No. 334, transmitting S.C.R. No. 28, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO EXPAND IMPLEMENTATION OF THE OFFER VERSUS SERVE CONCEPT TO ALL PUBLIC SCHOOLS IN THE STATE TO FURTHER REDUCE FOOD AND MILK WASTE," which was adopted by the Senate on March 5, 2010.

Sen. Com. No. 335, transmitting S.C.R. No. 38, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED THE "RONALD T.Y. MOON JUDICIAL COMPLEX"," which was adopted by the Senate on March 5, 2010.

Sen. Com. No. 336, transmitting S.C.R. No. 94, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON TO THE ESTIMATED COST, COST SAVINGS, AND IMPACT OF PROVIDING AND EXPANDING ONLINE INSTRUCTION THROUGH THE HAWAII VIRTUAL LEARNING NETWORK'S PROGRAMS AND COURSES," which was adopted by the Senate on March 5, 2010.

Sen. Com. No. 337, informing the House that the Senate has on March 4, 2010, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 549, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT."

S.B. No. 771, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS."

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Manahan introduced Philippine Consul General Leoncio R. Cardenas.

Representative Rhoads introduced his constituent, Mr. Doug Pyle.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
93	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
94	Committee on Judiciary
95	Committee on Transportation, then to the Committee on Finance
96	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
97	Committee on Education, then to the Committee on Transportation, then to the Committee on Finance
98	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
99	Committee on Transportation, then to the Committee on Finance
100	Committee on Public Safety, then to the Committee on Finance
101	Committee on Transportation, then to the Committee on Judiciary
102	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
103	Committee on Education, then to the Committee on Finance
104	Jointly to the Committee on Public Safety and the Committee on Hawaiian Affairs, then to the Committee on Finance
105	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

H.C.R. Nos.	Referred to:
155	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
156	Committee on Judiciary
157	Committee on Transportation, then to the Committee on Finance

158 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

159 Committee on Education, then to the Committee on Transportation, then to the Committee on Finance

160 Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance

161 Committee on Transportation, then to the Committee on Finance

162 Committee on Public Safety, then to the Committee on Finance

163 Committee on Education, then to the Committee on Public Safety, then to the Committee on Finance

164 Committee on Transportation, then to the Committee on Judiciary

165 Committee on Human Services, then to the Committee on Legislative Management

166 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

167 Committee on Education, then to the Committee on Finance

168 Jointly to the Committee on Public Safety and the Committee on Hawaiian Affairs, then to the Committee on Finance

169 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.	Re-referred to:
506, SD1, HD1	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2121	Committee on Judiciary

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 115) was announced by the Clerk and the following action taken:

H.R. No. 115, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING KNDI RADIO, ITS PRESIDENT AND PROGRAM HOSTS FOR EMPOWERING THE IMMIGRANT COMMUNITY THROUGH THE STATION'S UNIQUE ETHNIC PROGRAMMING," was offered by Representative Manahan.

Representative Manahan moved that H.R. No. 115 be adopted, seconded by Representative Aquino.

Representative Manahan congratulated KNDI Radio on 50 years of multicultural programming, providing the immigrant community with information and a voice, and vital emergency communication in 15 different languages.

Representative Manahan then introduced Ms. Leona Jona, President and General Manager for KNDI Radio who was seated on the Floor of the House.

Representative Aquino then introduced other honorees seated on the Floor of the House:

Ms. Magdalena Domingo, program host of 'Saniata Variety Hour';

Ms. Venus Florido Viloria, program host of 'Loving Yours, Ate Vi';

Mr. Byrne Munoz, program host of 'Linabag ti Napalabas' and 'Fun-O-Rama' who was represented by his son, Mr. Bryan Munoz; and

Mr. Flor Martinez, program host of 'Mr. Parbangon' who was represented by fellow KNDI program host, Ms. Felina Quebral.

Representative Cabanilla also recognized her former boss, Ms. Leona Jona and thanked her for inspiring her to give back to the community.

Representative Cabanilla also introduced her staff member, Ms. Rosebella Ellazar-Martinez, wife of Mr. Flor Martinez.

The motion was put to vote by the Chair and carried, and H.R. No. 115 was adopted, with Representatives Bertram, M. Oshiro, Saiki and Takai being excused.

The following resolution (H.R. No. 116) was announced by the Clerk and the following action taken:

H.R. No. 116, entitled: "HOUSE RESOLUTION HONORING ANN MARIE NALANI KIRK FOR OUTSTANDING SERVICES IN SAFEGUARDING HAWAIʻI'S NATURAL AND CULTURAL RESOURCES, EDUCATING THE YOUTH OF HAWAIʻI, AND PERPETUATING NATIVE HAWAIIAN ORAL TRADITIONS AND HISTORY," was offered by Representative Berg.

Representative Berg moved that H.R. No. 116 be adopted, seconded by Representative Hanohano.

Representative Berg introduced the honoree, Ms. Ann Marie Nalani Kirk who was seated on the Floor of the House, and thanked her for her grassroots involvement to perpetuate Native Hawaiian tradition and history.

Representative Berg then introduced Ms. Kirk's family and friends who were seated in the Gallery:

Parents, Mr. Jim and Mrs. Jessica Kirk;

Brothers, Mr. Jim Kirk and Mr. Kevin Kirk;

Dr. Vilsoni Hereniko, Director of the University of Hawaii Center for Pacific Island Studies;

Ms. Tisha Hickson, Outreach Coordinator for the University of Hawaii Center for Pacific Island Studies; and

Ms. Naomi Losch, Masters Degree Advisor.

Representative Hanohano then extended her greetings and Mahalo to the honoree.

Representative Ward also recognized Ms. Kirk for her work as the keeper of culture and the stories of East Oahu.

The motion was put to vote by the Chair and carried, and H.R. No. 116 was adopted, with Representatives Bertram, M. Oshiro, Saiki and Takai being excused.

At 12:35 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

The Chair then announced:

"Members, please note that S.B. No. 506, SD 1, HD 1 has been re-referred solely to the Committees on Economic Revitalization, Business & Military Affairs, and Agriculture per Committee Referral Sheet No. 40 that was issued on March 5th. The Committee on Finance waived its referral to this measure and therefore it is before this House for further action."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.B. No. 506, SD 1, HD 1. (Representatives Bertram, Brower, Chang, Chong, C. Lee, Manahan, Rhoads, Say and Takai were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1182, recommending referral to the Committee on Finance, seconded by Representative Evans and carried. (Representatives Bertram, Chong, C. Lee, Manahan, Rhoads and Takai were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, second by Representative Evans and carried, S.B. No. 506, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was recommitted to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, with Representatives Bertram, Chong, C. Lee, Manahan, Rhoads and Takai being excused.

Stand. Com. Rep. No. 477-10 and S.B. No. 1059, SD 2, HD 2:

By unanimous consent, action was deferred one legislative day.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Bertram and Takai were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 681-10) recommending that H.B. No. 2000, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2000, HD 2, pass Third Reading, seconded by Representative M. Lee.

Representative Karamatsu rose to speak in support of the measure, stating:

"Mr. Speaker. I rise in support. Mr. Speaker, I am in favor of House Bill 2000, House Draft 2, which is the budget for the Judiciary Branch. As a reflection of these tough economic times, this measure reduces the Judiciary's overall budget by $7.8 million for furloughs.

"However, the House recognizes that specialty courts play a huge role in helping those who have gone on the wrong path to get back on the right one. Keep in mind that approximately 80% of individuals in trouble with the law are involved with drugs. A high percentage of individuals involved with drugs have family problems, are victims of physical abuse or sexual abuse, and are going through mental challenges such as post traumatic stress disorder and depression. These programs help individuals to get off of drugs, learn life skills to be productive citizens, but most importantly, it gives them hope that life can be better.

"Moreover, these programs not only change lives, but save the State a lot of money. For example, Adult Drug Court's operating costs for 387 persons are $3.1 million a year, whereas, it would cost the State $19.6 million a year to put these same individuals in the prison system. For Juvenile Drug Court, the cost for 65 persons is $1 million a year, whereas, it would cost just under $6.6 million a year for the same individuals if they were placed in the prison system.

"In addition, the House recognizes that the many non-profit organizations participating in purchase of service contracts with the Judiciary play a key role in providing essential services to help the people of Hawaii in need of assistance in our legal system.

"Thus, with the specialty courts' and purchase-of-service contracts' proven success and cost savings, $1.5 million has been restored in this bill for their services.

"In line with this Judiciary budget bill are two House Bills, HB No. 1752, HD 1, which gives judges discretion in sentencing for non-violent repeat offenders including sending them to the specialty courts. And HB No. 1756, HD 1 that allows non-violent offenders to expunge their record upon successfully completing their sentencing so that they are able to get jobs and be a productive citizen. Therefore, these bills together with the budget bill will help individuals who turn around their lives and further save the State billions of dollars in the long run.

"Our country and State love comeback stories, as reflected by many of our books and movies. Likewise, Hawaii's specialty courts and non-profit organizations participating in the Judiciary's purchase of service contracts will give our people the opportunity to make the greatest comeback in their lives. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2000, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Takai being excused.

At 12:50 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2000, HD 2

THIRD READING

H.B. No. 2200, HD 1:

Representative M. Oshiro moved that H.B. No. 2200, HD 1, pass Third Reading, seconded by Representative M. Lee.

Representative Shimabukuro rose to speak in support of the measure, stating:

"I rise in support. This budget bill is very significant in that it seeks to protect DHS workers from Director Koller's proposed plan to eliminate 232 workers who provide essential services to Hawaii's most needy.

"I wanted to share with you a statement from one of our valued DHS employees, Nalani Thompson who stated, quote, "Ms. Koller, you referenced us in your editorial as horses." Ms. Thompson also describes an incident where face to face contact is needed. "A DHS worker came to get me saying that a woman has a knife sticking out of her stomach. She was a homeless person and got stabbed in the early morning and we had to call the ambulance." This is an example of the DHS workers referred to as 'horses' who saved a person's life.

"This kind of service could not be provided by a call center. I ask all Members to support the passage of HB No. 2200, HD 1. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I rise in support of this measure. First, let me thank Vice Chair Marilyn Lee. Marilyn, thank you for making sure that we all stayed healthy and sane. Thank you for also playing the 'bad cop' so sometimes I could be the 'good cop.' Thank you for your sense of humor, your patience, and for always advancing the health needs of our community.

"A shout out is also deserved for our newest member of the Committee, none other than Representative Finnegan, our illustrious Republican Minority Leader. Lynn, you've added a new dimension and voice to our Committee. It is considerable and greatly appreciated, especially by me.

"May I also thank the entire Finance Committee for their hard work and commitment. Many of you have come forward with ideas and suggestions that have been incorporated into this final product. Your insight into the decisions of the standing committees, and your institutional knowledge tempered our decision making while provoking our debate and discussion. Thank you Representatives Awana, Brower, Har, Nishimoto, Sagum, Tokioka, Ward and Yamashita.

"And the fantastic freshman, Representatives Aquino, Choy, Coffman, Keith-Agaran, Chris Lee, and Wooley. As freshman legislators, you all have brought new insight into our analysis and discussion of programs and fiscal policy. Indeed because of your industry, a high bar has been set for future freshman members. And the Legislature's longest Committee hearing record, set in 2009, remains unchallenged and unmatched.

"To the Committee Chairs, thank you for working with us over the past several months and for prioritizing your programs and expenditures of limited resources. Chairs Cabanilla, Carroll, Hanohano, Herkes, Ito, Karamatsu, Manahan, McKelvey, Morita, Rhoades, Souki, Tokioka and Tsuji. All of you took responsibility for your respective departments. All of you made hard choices and entrusted the Finance Committee to put it all together. Thank you for your patience, faith and confidence.

"I need to especially thank Chairs Chang, Mizuno, Takumi, and Yamane. Your four departments, Education, Health, Human Services, and the University of Hawaii have been impacted the greatest. I appreciate your understanding in exploring some of the present budget cuts to see if we can save, or shift some money to other departments and restore important programs. You all were honest in your consultation with me, but at the end of the day I have made recommendations which even you do not agree with. Therefore any criticism or shortcoming in this measure are mine, and mine alone.

"Finally, I'd like to thank the Finance staff. In the front office, the people that take all the interesting and angry phone calls, run logistical support for the Committee, make sure we are well-fed, hydrated, and taken care of, and make sure I make all my meetings. Please stand, and Members please hold your applause until all the members of the Finance staff are recognized. Lisa Asano-Beem, Mark Garedo, Charin Tomomitsu, Ann Yuasa, led by Tracy Kubota and Jo Hamasaki.

"The Research and Budget Analysts. They are the ones who are going through the worksheets, interfacing with the departments, and drilling down to the nuts and bolts of these budget documents. Tiffany Aoyama, Kathleen Lee, Megan Muramatsu, Michael Bomhoff, Nicholas Chong, Susan Fernandez, Michael Fisher, Leslie Goo, Eric Abe, all led by Stacey Tagala, Puna Chai, Michael Ng, Randy Hiyoto and Nandana Kalupahana."

Representative Yamashita rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Mr. Speaker, may I have permission to insert the respective titles and positions as additional written remarks? Members, please give a round of applause to the Finance Staff. Thank you, Mr. Speaker.

"Mr. Speaker, this has not been an easy budget to craft and it will not be an easy budget to accept. Based on limited resources, this is a budget that tries to do the right thing for the people of Hawaii. It does not mask the harsh realities we face.

"Unlike previous budgets, this budget does not treat everyone equally. This budget makes the hard choices that the Governor and others have not. Scratch below the surface of any superficial analysis of the budget and you will see that this budget truly prioritizes people. It prioritizes our 'safety net.' It prioritizes health, the people's health, as well as environmental health. It prioritizes public safety and food safety. It prioritizes children.

"Throughout the Session we have asked ourselves these questions. How far can we cut government programs and services? What programs and services are we willing to live without? And are we willing to pay more for the programs and services we want? What do we want Hawaii to look like when the recession ends?

"We answer with this budget and the bills we passed last week. The days for one-time solutions and delaying payments have long passed us. Such approaches will simply make matters worse for years to come. When we added up the bill for anything that was not paid for in the budget submitted by the Governor, we came up with a list of about $500 million in unpaid bills. Unpaid bills are a serious problem for anyone to have, for households, as well as government. It means that someone is not being paid for services rendered or goods provided. It has both fiscal and moral consequences.

"Mr. Speaker, last June, at the end of fiscal year 2009 when the Governor delayed paying some bills, she told the people of Hawaii in a live statewide televised broadcast and I quote, 'These bills which total $130 million will be paid in full only a few days late in July. We are not foregoing our financial responsibility and obligations for these payments, but merely shifting these costs to the next fiscal year.'

"Mr. Speaker, the Governor has not kept her promise. The bill she claimed to have deferred into next fiscal year 2010, won't be paid until fiscal year 2011 and 2013.

"And things have actually gotten worse. Mr. Speaker, there are just a couple of headlines we've seen in recent weeks. From the February 17th, 2010 *Star-Bulletin* and I quote, 'State to delay paying for health coverage could further suspension of services or even closure of some health centers.'

"February 9th, 2010, in *The Honolulu Advertiser*, 'Hawaii will delay sending out tax refunds to balance budget. Lingle plan to mail out checks greater part of an effort to ease $721 million revenue shortfall.'

"Mr. Speaker, on September 3rd, 2009, during a web address to the people of Hawaii, the Governor claimed, 'As I said before, we cannot kick the can down the road and just expect that everything will turn out okay. I am not willing to leave to Hawaii's next Governor the tough choices that need to be made today.'

"Unfortunately Mr. Speaker, that is exactly what has been proposed in the Governor's budget. Unpaid bills, delays in payments, and IOU's. These all weaken confidence in the business sector and will further delay our economic recovery. It is simply bad practice and chills investment confidence.

"Moody's has cautioned us that outside investors are watching us and we must heed their warnings. The budget submitted to us cuts spending without any rhyme or reason."

Representative Keith-Agaran rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you. A 13.8% across the board cut on all departments was imposed resulting in a cut to half of the homeless programs in Department of Human Services, the abolishment of the award winning Film Branch, and nearly destroying the invasive species program guarding our land and food supply.

"Mr. Speaker, the more we questioned, the more it became apparent that the budget simply reduces government cost by any means available, doing what was most expedient. There's an old saying that says, 'The road to hell is paved with good intentions.' The budget submitted to us seems to have done that. Bottom line, there was no real thought given to core functions or priorities.

"Government heads insist that there will be no impact through these reductions. I must respectfully disagree. The clearest example is the Child Protective Services Branch of the Department of Human Services where nearly one quarter of the positions were terminated. Mr. Speaker, I thought my job was difficult. Then I began to talk to Child Protective Service case workers. Even after speaking with them, I cannot fathom what it really takes to be in their shoes. But I admire the heart and soul of these dedicated individuals. They are the heroes and heroines on the frontline battling unimaginable witness, and whose decisions are truly ones of life and death.

"It is true, and I agree with Director Koller that Child Protective Service case workers have stepped up to the plate and picked up the slack. But there has been an impact Mr. Speaker, and the risk of tragic results may have increased. One case worker I heard from told me that their caseload has increased six times.

"Here's a quick sampling of those typical cases. There's a four-year old who lives with his mother and his grandparents. The father is currently out of the picture. He may be in prison, missing, or even dead. The four-year old and the mother are chronic sex abuse victims of the grandfather.

"Sample two. There's a mother who has two young children. The father is out of the picture, maybe in prison, missing, or dead. She has a boyfriend who has been abusing all three of them. The boyfriend began threatening the lives of the children, literally saying, 'I will kill you.' And on multiple occasions, he has produced a weapon. The mother did get a temporary restraining order against the boyfriend, but came to court with the boyfriend and said it had been, 'worked out.' The threats continue and just recently, the children were removed.

"Number three. There's a case of an abusive boyfriend with a small child involved. The child had been raped multiple times and had her arms broken. Before the child could be removed, the boyfriend drowned the child.

"Mr. Speaker, I apologize for the graphic nature of these cases, but that is a reality faced by the child protective service agents, and I resent the notion that the mere recitation of '*esprit decorps*,' 'do more with less,' or even a hardy '*ganbari mashoo*,' can protect the most innocent and vulnerable members of our society.

"Mr. Speaker, I cannot think of any responsibility greater than the safety of children. That is why this budget completely restores child protective services.

"Mr. Speaker, this budget does not treat everyone equally. We have taken from the big departments. We have identified alternative cuts so we can restore critical programs that have been the victim of the one-size-fits-all reduction in force proposed by the Governor.

"I must note that the departments we took from the most were those departments receiving money under the American Recovery and Reinvestment Act, but this does not mean that there will be no impact to the choices we have made in this budget. As I stated last week, there will be blow-back. We anticipate this and quite frankly, Mr. Speaker, and I welcome it. I want that, and we should have a frank discussion of this budget proposal versus the Governor's. Only then can we be sure that the ideas contained in this budget are acceptable and appropriate. My growing fear however is that key personnel in all departments ..."

Representative Cabanilla rose to yield her time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Mr. Speaker. My growing fear however is that key personnel in all departments will be gagged from speaking out and threatened with loss of job or positions for voicing accurate and honest assessments. We are all in this canoe together, and I still hope we can work with the Administration to do what's right for the people of Hawaii.

"Mr. Speaker, this budget is balanced, but more importantly, this budget brings balance back to State government. I have no doubt that when people simply look at the overall numbers, the press releases, the one-page summaries, the digests, this budget looks like it takes from education and health. However Mr. Speaker, the devil has always been in the details.

"We disagree with the Governor's budget that was presented to us and performed our own surgery using a scalpel instead of a meat cleaver. We made sure that number one, we take care of those who cannot take care of themselves; the aged, the impaired, the poor, the needy, and the neglected.

"Number two, we made sure that we do not forsake our role of custodians of our natural resources, protecting our lands, waters, and ocean for future generations.

"And number three, that we nurture and promote an environment where our children are safe and can thrive.

"Mr. Speaker, we all stood in this Chamber last week making some difficult choices. We cut government programs and services by identifying what we could live without, and restored programs that are truly the only 'safety net' for those who are too poor, too sick, too abused to help themselves.

"With this budget and the bills we passed last week we will be able to pay our bills now and into the future. This budget is a reflection of who we are, what we are for, and the future we want for ourselves and the next generation. Thank you, Mr. Speaker."

Representative M. Oshiro submitted the names and position titles of the Finance Committee staff members:

Committee Clerk, Mr. Nandana Kalupahana.

Administrative Services Manager, Ms. Tracy Kubota.

Legislative Aides, Ms. Lisa Asano-Beem, Mr. Mark Garedo, Ms. Charin Tomomitsu and Ms. Ann Yuasa.

Research Chief, Mr. Randall Hiyoto.
Research Supervisor, Ms. Stacey Tagala.
Researchers, Mr. Erik Abe, Ms. Tiffany Aoyama, Ms. Kathleen Lee and Ms. Megan Muramatsu.

Budget Chief, Mr. Mike Ng.
Budget Supervisor, Ms. Puna Chai.
Budget Analysts, Mr. Mike Bomhoff, Mr. Nicholas Chong, Mr. Mike Fisher, Ms. Leslie Goo, and Ms. Susan Fernandez.

Zoo Keeper, Mr. Jo Hamasaki.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with, let me put it this way. If it wasn't for the Committee Report, I would be in support. Having read the Committee Report, I have reservations. I will vote with reservations. Between full support and reservations.

"The point is that some of the Committee Report has inflammatory statements. There are some omissions in it, some inaccuracies, and it's not the type of Committee Report that should accompany a $10 billion budget. Let me get into that a little bit later though.

"Before that, let me say that where this excels, and where I guess I would have started, like the Chair of Finance, with an upbeat 'go get 'em.' I probably wouldn't even add some of the things that I'm going to add. But first, I would like to thank the staff. Every year Mr. Speaker, it gets better and better, the transparency and democracy, the voting and the interaction and the suggestions, and even the welcoming of the new member from the Minority. It's a good sign that things are coming.

"I was also very impressed that the most important issue faced by this Body, the Chair and the Finance Committee took that by the horns and that was, let's end the furloughs. There's $50 million which hopefully will be enough incentive to get the people around the table again and hopefully, come to some resolution to get our kids back in school.

"I will also applaud the surgical cut that the Finance Chair has stated, and some of us were very happy with what came out of it. Some of us were unhappy with what was in there, but the way that the whining record is recorded in the Committee Report, I think it leaves a lot to be desired.

"I want to also commend the Chair for protecting our agriculture, aggressively attacking invasive species, lending an ear to the poor, and more specifically the most vulnerable who are young. But my colleague passed me a note and said, 'Should the money from the Mililani turf field and track have been used for these individuals?' That is money that has already been funded.

"Lastly, kudos are also due for keeping our libraries open, and very importantly Mr. Speaker, for funding our charter schools with a bit more money. Unfortunately, we lost the first round of funding for the Race to the Top, and that's $75 million. So the charter school funds will be very, very important. And kudos to the Chair for reinserting money for the tourism office in Taiwan, and the progenitor of our visitor to Waikiki is going to be Chinese, and reopening that office is good. And for restoring the Aerospace Office, albeit with it small funds, to acknowledge that the future of travel is space travel and work, but we have to get in on the ground floor.

"Having said this Mr. Speaker, I have a few things about my disaffection with the budget, regarding some inaccuracies and some omissions in H.B. 2200. First there's a parenthetical reminder to all of us. H.B. 2200 is not really a budget, it's a spending plan. Webster's Dictionary defines a budget as a statement of financial position of an administration for a definite period of time based on estimates of expenditures during a period, and proposes the financing of them. A budget therefore is both an income and expense statement. But what we have today is a spending plan, and until we see the revenue side of the budget, we are discussing something that is more or less moot.

"And I should point out that when the Governor's budget came down, there was a spending plan. We didn't all agree with it, but it showed where the money was coming from. Again, I would commend the staff that put a spreadsheet together the first day that the Finance Committee met in the first week of January. The spreadsheet showed where the budget was going out, and where the money was coming in. And Mr. Speaker, that is not here yet.

"The Chair of Finance often says, 'The Governor proposes, but the House disposes.' Yet throughout the Committee Report we were constantly reminded of the fault finding that the Governor had, or she be given and arguably, the Committee Report became a political report.

"Conspicuously absent in H.B. 2200, and in the spirit of fairness it should be mentioned that the Governor refused to make wholesale cuts to State workers. This budget nor the Committee Report acknowledges or references the critical role the Governor played and implemented an early on and, until this day, a warm-body policy to keep State workers employed. She refused to cut thousands of jobs to balance the budget from the get go."

Representative Marumoto rose to yield her time, and the Chair "so ordered."

Representative Ward continued, stating:

"She refused to balance the budget from the get go, and you recall Mr. Speaker, the formula for every 1,000 jobs cut, it is equivalent to saving $43 million. Instead we ended up with across-the-board cuts, many of which we were unhappy with. But we must not forget that the fundamental act of preserving these families' lifelines and housing and overall well-being was for the sake of State workers. It was not a one-size-fits-all. It was a plan to prevent massive unemployment in the State of Hawaii.

"Mr. Speaker, unemployment today is 7.3%. But if the Governor would have put really the 'meat axe' to it, as the Finance Chair said, to State workers, we would be up at the national average of just a little bit under 10%. Presently we have about 44,000 people unemployed, but only about a thousand of these people are actually State workers. Some of the people in the private sector resent that, but we should know that 98% of the unemployed are private sector individuals, not public sector people. The bottom line is that the government workers are about 20% of the labor force, but they compromise 2% of the unemployed. Again, because those State jobs were preserved.

"With 77 cents of every tax dollar going towards government salaries, the public sector unions and their supporters should be grateful that almost 99% of State workers still have their jobs.

"Mr. Speaker, my second concern is that H.B. 2200 gives the unfortunate impression that the House budget and the Governor's budget were light years apart. The total budget that we're looking at today is $10.50 billion, and the Governor's budget was $10.89 billion. That's only a difference of $49 million. So the spread between the two we can argue is about where the cuts were, but the actual amounts, there's really an agreement with the Executive Branch in the House, at least so far. Mr. Speaker, that is a 1% difference. It's not a big difference.

"But let me go to my last concern now and this is the '$64,000 question.' How are we going to pay for this budget? That's the bigger question on the minds of the people of Hawaii. Where is the money going to come from? H.B. 2200 says nothing about that, but it references vaguely that there are going to be some tax increases and other things that it never follows through with, nor spells out. But yet we have to balance our budget. The concern is how are we going to do it? That means the budget battle, the budget discussion is just now beginning.

"We can already see that this Body and the Executive Branch basically disagree. But the big difference is going to come down the line when it comes to the spending. Last week I spoke on this Floor about 15 job killer bills that this Body passed that could seriously hurt our recovery from this recession, and then balances this budget on the backs of the small business community. With the 500% increase on the unemployment taxes in the next few months, and a 900% increase by next year, Hawaii's small businesses are going to feel the pinch.

"Mr. Speaker, there are about 37 small businesses in Hawaii with over 90% of them having less than 20 employees. According to the U.S. Small Business Administration, small business loan failure rates are up 11.9% in 2009, and we have no reason to think this negative trend will not continue as more and more small businesses are folding.

"I don't need to remind you Mr. Speaker, nor this Body, that we have now defunct, out of business, closed their doors, 'another one hits the dust,' Aloha Airlines, Molokai Ranch, Maui Land and Pineapple, Palama Meat Company, ATA Airlines, Circuit City, CompUSA, Weyerhaeuser, Island Chevrolet on the Big Island, even the Outrigger closed their travel club. And we talked about the TAT not having an impact on tourism. They closed their travel club. And we also know that one of our newspapers probably in the next four to five weeks is going to die. This is not to mention the TV stations. We've got one TV station here today. Always when we argued the budget there were at least three TV stations. We've got one TV station, or let's say two TV stations. One newspaper, and we

have big layoffs. And Sea Life Park, Servco Pacific, Hawaiian Medical Center, Norwegian Cruise Lines, etc.

"The point is Mr. Speaker, how do we get the money to balance this budget is really the argument and we need to know the spending plan. Despite this dismal economic future and the fact that unemployment has doubled ..."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Ward continued, stating:

"I'm just about finished. Thank you, Representative. Despite the dismal economic picture, and the fact that unemployment has doubled, this Body has passed the job killers. For example, H.B. 1926, which adds a $20 surcharge that businesses have to pay whenever they pay for a variety of State fees. Another example, H.B. 1907 takes away net operating loss deductions, itemized deductions, capital goods excise tax. H.B. 2867 and H.B. 2877 eliminate various tax exemptions that were implemented to stimulate business. And H.B. 2852 to increase premiums on health insurance.

"Mr. Speaker, it's a bit of an irony that we bemoaned the fact that our health insurance on the national level is such a big issue and it's escalating, but yet we turn around and we put fees on Kaiser and HMSA so the cost of healthcare goes up. It's a bit odd that we would bemoan that, and at the same time turn around and increase those taxes.

"Bottom line Mr. Speaker, my point is that we cannot kill more jobs with this budget by the way we fund it. And let's not forget the jobs that have been saved up to this point due to the actions of the Governor which I just spoke of. Let's be objective. Let's be fair. The expense side of the ledger may be filled in, but the battle over the budget is on the revenue side which we're just beginning to discuss.

"As the Subject Matter Chairs and others boast of this budget, let's remember that this bill is only the beginning volley in our fight for a balanced budget. Thank you, Mr. Speaker."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of House Bill 2200, HD 1. Thank you, Mr. Speaker. Although Crossover represents only the midpoint of the Session, I appreciate your work and the tireless work of our Finance Chair, Vice Chair, and Finance Committee members and their staff in crafting a prudent budget by reducing the Governor's budget by $60 million, and restoring critical positions in child protective services, adult protective services, and in protecting our eligibility workers.

"For your Department of Human Services Mr. Speaker, the budget bill carefully protects 'safety net' positions while reducing the Department's overall budget by over $18.5 million. In an article in the Island Voices section in *The Honolulu Advertiser* on March 2nd, 2010, the Department of Human Services' Director Koller referred to DHS employees as 'horses.' I find the use of such a description offensive and hurtful to the hardworking and dedicated employees of the Department of Human Services.

"The genesis of her comment stems from the fact that Ms. Koller wants to eliminate 232 DHS employees, mostly eligibility workers, and close every single public assistance office in the State of Hawaii. If you can visualize the closing of 31 public assistance offices in our State, this is what you'll see. No public assistance offices on Maui. No public assistance offices on Molokai. No public assistance offices on Lanai, or Kauai, or in Kona. You will only see two call centers that they plan to open up on Oahu and in Hilo.

"This proposal, if carried out, will gut the Department of Human Services in one final swoop before the Director of the Department leaves. If her plan is successful, they will have closed all offices and eliminated 232 positions. This final act will take the 'human' out the Department of Human Services.

"If I can share with you testimony from Aaron Nagata, an Adult Protective Services investigator in West Hawaii on the Big Island. Mr. Nagata provides in relevant part, 'The West Hawaii section consists of two investigators and two social service assistants. To date, our staff has been cut in half. For a geographical area slightly larger than the Islands of Oahu and Kauai together, our district will rely on one investigator for all investigations. This brings serious concerns for the safety and welfare of our targeted population.'

"What would the ramifications be? By eliminating 232 Department of Human Services employees, we're going to be adversely affecting over 300,000 of the most needy individuals and families in the State of Hawaii. Who are these 300,000 people in Hawaii Mr. Speaker? It's our aged, our blind, our disabled, our domestic violence victims, our homeless families, our low income families, our victims of elder abuse and child abuse. They will no longer have the ability to maintain services with their case worker or obtain services by person-to-person contact who will interview them and help them navigate through this most difficult recession.

"Now more than ever we need these services, Mr. Speaker. This is our 'safety net' that we're talking about. The very fabric of our community. We have no throw-away people in our society."

Representative Brower rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued, stating:

"I want to thank again the Finance Chair and you, Mr. Speaker, for protecting our DHS workers and the 300,000 needy individuals in the State of Hawaii. For those reasons, I support this bill. Thank you, Mr. Speaker."

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in strong support of HB No. 2200, HD 1. Thank you, very much. First of all, I too would like to thank the Chair of the Finance Committee and the members, and the staff for working long hours and really allowing me to present what I believe are some of the concerns of the Department of Agriculture and agricultural concerns within the State of Hawaii.

"We all recognize that the global economic meltdown has been far reaching with unprecedented effects that have really reached outside borders and into our State of Hawaii isolated in the middle of the Pacific. But although we may be isolated, we are not unaffected by the economic adversities that happened throughout the world. In the area of agriculture, this budget represents our concerns as citizens. This budget responds and acts with alternatives to the budget cuts and the reduction in force.

"In particular in agriculture, we've prevented, with the systematic inspection of airports and harbor facilities, from allowing invasive species to enter our islands. We recognized the endangerment of our food supply. We recognize the endangerment of timely inspecting and certifying our export items.

"Mr. Speaker, going to our agriculture inspectors. Agriculture inspectors are essential for stopping invasive species from entering Hawaii. The reinstatement of 22 inspectors, only temporarily postpones the closure of our Neighbor Island ports. If we had no inspectors, our food products could languish in storage for up to a couple of weeks before clearing inspection, and maybe another week before they are finally stocked on our Neighbor Island store shelves.

"At HDOA, Department of Agriculture officials estimate the annual economic impact on these delays and non-arrivals to be conservatively estimated at $1 billion, a negative economic impact to our State of Hawaii.

"We must be prepared for natural disasters here in Hawaii like the vog and most recently, the tsunami. We've had tsunamis previously, since 1960 and 1946. But if I may say, the most recent, if it hasn't already been addressed, it's another wake up call to all of us, Mr. Speaker. We import more than 80% of the items that we consume. The supply is less than two weeks here in Hawaii. We have got to think about how we repair our harbors, as they be can destroyed.

"In 2006 on the Big Island of Hawaii, the Kawaihae Harbor was devastated and destroyed by the 2006 earthquake. To this very day, that harbor has not been repaired. Utilizing special funds are only a temporary means of reprieve, and Honolulu right here is the epicenter of this critical distribution point.

"Let's talk about food safety certification. Hawaii exports products such as coffee and papaya are in dire need of timely inspection and certification. This budget ensures that our coffee and papaya industry are serviced in a timely manner so their products can meet the critical export shipping time. A ship waits for no man. Any disruption of daily inspection negatively impacts our industry."

Representative Wooley rose to yield her time, and the Chair "so ordered."

Representative Tsuji continued, stating:

"Thank you, very much. This budget further ensures that our State is compliant with food safety audits. E. coli and salmonella continue to plague food safety and are responsible for an alarming number of deaths nationwide, if not worldwide. Federal mandates are expected for such food safety audits and they are making their journey into the congressional level right now.

"There are more and more, and I could go on and on, but when I heard a Representative say this budget is only the beginning, I don't think it's only the beginning. It's a never-ending journey and I quote, 'We need to take action now to increase Hawaii's food self-sufficiency and strengthen and preserve agriculture for future generations as required by our State Constitution.' Mr. Speaker, it goes on to say, 'If we replaced only 10% of the food we currently import, it would create more than $300 million in economic activity, generate $6 million in taxes and create over 2,300 new jobs.'

"These are great observations, Mr. Speaker. This quote was over a year and a half ago in the State of the State Address by the Governor of our State of Hawaii. Please take this into consideration. I support this legislation. Thank you very much, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations on HB 2200, HD 1. Thank you, Mr. Speaker. First of all, I did want to state my thank you to the Chair. It's been a wild and crazy ride, but I absolutely appreciate his willingness to work with the Minority and just educating me as a first time member. I also want to thank our staff in HMIR, as well as Finance staff. Nan told me one day that learning the Finance Committee is like drinking water through a fire hose, and I absolutely, 100% agree. But I want to thank you for all your hard work because that's something that has helped me to be able to grasp, as much as possible, this budget that we're passing forward.

"My comments that I am moving forward are meant to be respectful as much as I can be, but also understand that I do have some disagreements. I won't focus on a lot of the things that I do agree with because my time is limited as we only have a few people to give their minutes to me, so I will move on."

"The people of Hawaii are looking to us to create an efficient government, define core services, and do everything possible to live within our means. Although I will be supporting this budget, I have reservations as I think we have not done a good enough job at accomplishing the goals that I stated.

"All Members of this Body are aware of the significant budget predicament that Hawaii currently finds itself in. No one disagrees on this point. Mr. Speaker, where the Members of this Body disagree is their belief of how to best weather this storm. When it comes down to it, we really have to ask ourselves whether we're willing to take the appropriate actions necessary by asking tough questions.

"In short, the Administration has taken steps to reinvent government versus temporarily tinkering with it. As members of the Executive Branch, each department director performed their Executive Branch responsibility by reviewing its own strengths and weaknesses, eliminating redundancies and inefficiencies, and making needed adjustments.

"Indeed, the Administration performed a programmatic analysis of its own operations, taking into account the resulting impact on services of layoffs. In the Legislature's attempt to undo the Administration's effort to become more efficient and reinvent government, we've reversed some of their work because of philosophical disagreements.

"Case in point, this measure restores 112 positions in spite of the reality that labor costs contribute to 70% of the State's budget. Most of these positions are not funded so I agree with that, but their restoration implies their further potential to be filled. This means that despite the needs that come around when times get better, the Legislature is giving the signal to fill positions from an old and possibly outdated plan. This is not reinventing government. Now is the time to really reinvent government and reform government versus temporarily tinkering with it to achieve the façade of reform.

"Departmental leadership is closest to the everyday running and management of the Executive Branch. Often when this Administration and its departments try to innovate or streamline their delivery of services and programs, the Legislature has an immediate gut reaction.

"The Department of Human Services epitomizes the Legislature's often negative knee-jerk reaction to reinventing government. Nationally, Director Koller has been honored for her work as Governing Magazine's Public Official of the Year, across the nation. DHS has made a genuine effort to increase the quality of services and care while reforming the bureaucratic red tape that often hampered the agency's mission.

"There are a few strong criticisms of the Department of Human Service and the management decisions of Director Koller. The criticisms center around two programs, the Eligibility Processing Operations Division, otherwise known as EPOD, it's reorganization; and the Child Welfare Services Division. These two divisions service people in our State who are considered some of the vulnerable. I'm going to focus on these areas as examples of how difficult it is to reinvent and create an efficient government.

"Upon careful review of the proposed RIFs in this area that handle the EPOD program, I have come to the conclusion that we are making the wrong decision by restoring these positions in the HD 1."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. One would think that eliminating positions in these areas would lessen services. I'm going to take the time to explain why the opposite is true.

"Over the weekend I read the Program Access Toolkit for 2010 provided by the federal government. A guide for state agencies on improving access to Supplemental Nutrition Assistance Programs or SNAP. This guide book focuses on eligibility and access for this federal assistance program. It also mentions other eligibility type programs that we're using for federal government programs. In 2010, Mr. Speaker, this is under the Obama Administration. This 40-something page guide basically refutes a lot of the negativity that people are seeing with the EPOD reorganization.

"EPOD opponents are saying that customers could no longer receive in-person help when applying for benefits. Not true. Customers could still receive in-person help on all islands from DHS staff and community partners. Customers would have the added options of applying online or by phone, added options which will make it faster and more convenient to apply. This talks about community partnerships, face-to-face interviews. Using your existing resources in a different way. Reorganizing, and reinventing government.

"EPOD opponents are saying that customers would get trapped in an automated phone system. Again, not true. Customers who call DHS would speak directly with an eligibility worker just as they do now. Customers could also communicate with eligibility workers via webcam if they prefer. The federal government encourages phone interviews for the SNAP or the Supplemental Nutrition Assistance Program. They also talk about encouraging these other offices, because there will be DHS offices on every island.

"EPOD opponents are saying that fraud will increase if interviews are not conducted in person. Again, again, not true. The federal government points out that telephone interviews in the SNAP program have not produced increases in fraud contrary to, and they call it, 'a common myth.' In fact, a customer's telephonic signature or a voice recording is considered more reliable than an electronic signature.

"HGEA and others, I think some legislators, are opposing EPOD because it would mean the loss of around 230 public sector union jobs. These positions would no longer be needed because EPOD would significantly improve the workflow and processing applications. It is unfortunate that some union workers would face layoffs. However we must remain focused on the prime mission of delivering benefits and services to customers as quickly and efficiently as possible.

"EPOD would also generate significant cost savings for taxpayers during the worst economic downturn in State history. That would free up money to be used for other important needs.

"This past Saturday, there was an opinion editorial on this EPOD program stating that, 'Hawaii can no longer afford a horse and buggy government that is labor intensive, costly, and slow.' It also states that reform comes with a price. In this case, her proposal, meaning Director Koller's proposal, would close 31 offices and eliminate 230 jobs while retaining 289 staffers. That is making her unpopular among those who would lose their jobs and the Hawaii Government Employee's Association which represents them.

"Mr. Speaker, we should not get defensive when we're trying to use an analogy of a 'horse and buggy' and just saying, 'Hey, it's time to get into a fast car.' She's not calling the employees 'horses.' Mr. Speaker, if we're going to do the right thing, we cannot be defensive. We need to take a look at the existing situation and make things better.

"The Committee Report also finds that DHS has used questionable judgment and quotes an article about consultant, Sandie Hoback. The media article this report cites is a small, online publication and they quoted a long-term welfare recipient who doesn't like how the system works. That is no basis for calling the consultant's competency into question. She is a nationally respected consultant who has helped many states upgrade their human services."

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. This consultant helped Director Koller develop the SEE Hawaii Work, Supporting Employment Empowerment program that was launched in 2005. Nearly 2000 welfare recipients have participated. 921 completed their SEE assignments and 783 or 85% have successfully obtained unsubsidized employment, many of them for the first time in their lives and are no longer on welfare rolls. Does that sound like a consultant making it more difficult? This is the resistance that comes along with creating a more efficient government, Mr. Speaker.

"The second area and example of major disagreement is in the Child Welfare Division. Under Director Koller's leadership and management, the number of children in State foster care has decreased by 50% from about 3,000 in 2003, to 1,400 children today. This is the lowest number since 1993. More importantly, Hawaii now has one of the lowest rates of child re-abuse rates in the country. Prior to implementing this new direction in 2003, DHS removed children from their biological families at up to four times the national average with no improvement in their safety. The HD 1 reverses the nationally recognized strategy that was implemented by Koller by cutting purchase of contract agreements that provide prevention services that are proven to keep children safe. Remember former Representative Mike Kahikina and his cries for help as kids were being ripped from their homes.

"So let's address some of the comments in this Committee Report. Case loads have not quadrupled. Child welfare case loads have not quadrupled as claimed in the House Finance Committee Report. And I understand that this is coming from the line. Mr. Speaker, somewhere in between, I hope you know from what is coming from Child Welfare Services and what is coming from the line and what they're saying, that we can really grasp as to what is going on. But this is from Child Welfare Services.

"The CWS intake data shows about a 20% increase in referrals being assigned for investigation, but that is nowhere near the 400% increase as stated in the House Report. Mr. Speaker, and there's a whole bunch of other things I'm going to put in written comments so I'd like to ask to submit written comments.

"CWS investigations are timely. For CWS cases assessed as having safety concerns, investigations should take place within two working days from the time of intake, until intake is assigned to a unit for investigation. For cases that are not assessed as having safety concerns, investigation should take place within five working days. Mr. Speaker, in fiscal year 2009, CWS conducted face-to-face contact for all cases assigned for investigation within 3.72 days. A significant improvement from the 15 days between the acceptance of the report and face-to-face contact in fiscal year 2002. The volume of intakes assigned for investigations without safety concerns, plus the unexpected retirement and departure of employees are having an impact on the current CWS response times. Mr. Speaker, this is all a very delicate balance.

"One more point on this issue. CWS positions should not be restored by decreasing contracted services. I think if you want to go ahead and restore some of these other positions in CWS, I think that could be warranted, but remember, year after year these types of really graphic situations of child abuse happen even when we had the money and we didn't fund more positions. Unfortunately that's one of the realities of this world. And I'm not saying to not fund them. I'm just saying that we're breaking down the system that made us so successful in the first place.

"The funding of these purchase of contracts in the HD 1 with the funding that was there for the purchase of contracts. Hawaii passed all six national standards, which are recurrence of maltreatment, incidents of child abuse and neglect in foster care, foster care re-entries, length of time to achieve reunification, length of time to achieve adoption, and stability of foster patients placements.

"Mr. Speaker, I have so much to say, but I'm going to skip this for now because I know that I'm running out of time. The need to question ..."

The Chair addressed Representative Finnegan stating:

"Representative Finnegan, could you sum up? Your time is getting close to running out."

Representative Finnegan continued, stating:

"Let me see. Let me choose then. Mr. Speaker, I guess where I'd like to jump to now is just that it wouldn't be fair if I came to the table and said, 'Don't do this, and don't do that.' I think it would be fair if I gave some recommendations where we could look further for cuts. We can look further for cuts and I'll explain it in my written remarks on Medicaid, and we can still provide good services. We have in the past talked about ..."

The Chair then stated:

"Representative Finnegan, you're out of time. We need to be fair."

Representative Marumoto rose, stating:

"Mr. Speaker. I would like to yield my rebuttal time to the Minority Leader."

Representative B. Oshiro rose to a point of order, stating:

"Point of order. You can't do that under Rule 50 of our House Rules. Thank you."

Representative Ward rose, stating:

"Mr. Speaker, when I was yielded 5 minutes, I only used two of those, so there are three minutes left."

Vice Speaker Magaoay: "Representative Ward, I've been watching the clock. Representative Ward, you're out of order. Representative Ward."

Representative Ward: "Maybe someone from the Majority side will help my colleague finish her speech. Thank you, very much."

Representative Finnegan: "Thank you, Mr. Speaker. I do have other things that I'd like to enter in the written comments, but at this point in time could I call for a recess?"

At 1:50 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

At this time, the Chair stated:

"Members, we've had a long discussion regarding H.B. 2200. After hearing from the Minority Leader, the Chair will allow you a compassionate one minute and that's it. Please proceed, Representative Finnegan."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I'll try and do this is in Tom Brower style. Mr. Speaker, in these hard times we need to make hard choices. We should be looking at curbing our expenses in Medicaid. I understand that not everyone has the benefit and luxury of being able to work, and we need to provide help and services to these people. But Mr. Speaker, by the same token we cannot continue to furnish unlimited healthcare coverage through QUEST to able-bodied adults.

"Mr. Speaker, I'm not talking about those who are blind, disabled, or aged. This is about $78 million if we change those benefits. And Mr. Speaker, in the private sector, as well as in the public sector, people who are working are getting less benefits, and paying more.

"Mr. Speaker, another area is the State Health Planning and Development Agency. I think we've heard from many people on the Republican side that we would like to look into abolishing that, as well as the Office of Community Services, the Hawaii Occupational Safety and Health Division as that is duplicative of the federal program. I will put the remainder as written comments. Thank you."

Representative Finnegan's written remarks are as follows:

"**Hawaii Occupational Safety and Health Division (HiOSH)**

"The Federal government and State government both regulate workplace safety; this State division is redundant. If we get rid of HiOSH, the federal government will continue to regulate workplace safety through OSHA. 25 states already do without a state workplace safety regulatory body, letting the feds do the regulating.

"Because this Division has a history of operational and fiscal mismanagement, as pointed out in SCR for this bill, this cut would be worth the $3,866,779 in general fund savings for FY 2011, and every year thereafter.

"**Office of Community Services (OCS)**

"The Office of Community Services' programs and functions can easily and intuitively be absorbed by other State departments with overlapping missions and service. I have friends in that agency, and many of you do too. But this is the time for hard decisions, and redundancy in government is an area we should be looking to cut. Eliminating this office would result in savings of approximately $9,743,897 in FY 2011, and every year beyond.

"For comparison sake, this is almost the exact amount of money needed to fund the DISH appropriation bill that we just passed out of the House last week.

"**Office of Language Access (OLA)**

"Since its inception, the Office of Language Access has fallen short of its mandate, has failed to promulgate the necessary rules to effect its purpose, and has suffered budget and position cuts by past legislatures. More importantly, there is no federal mandate to do this service, simply a desire on the State level. And while it is a worthy aspiration, the Department of Human Services is fulfilling this function on its own, without the OLA. And so can other departments and divisions.

"If we haven't fully funded them in the past, there is no need at this time to continue the office. Eliminating OLA would save us approximately $305,029 in FY 2011, and every year beyond.

"**State Health Planning and Development Agency (SHPDA)**

"This is the agency responsible for the Certificate of Need program, and in years past, we have advocated for the program and the agency's demise. 14 states have repealed this outdated program, and more are debating discontinuing it. Because of our healthcare market, I believe that private entities would apply just as much scrutiny, if not more, when it comes to the purchase of new medical technologies and equipment.

"Eliminating SHPDA would save the state approximately $670,741 in FY 2011, and every year beyond.

"The total savings from the proposed cuts from these 5 programs equals $92,586,446 in FY 2011, and every fiscal year thereafter. Another way of looking at it is that we could save $555m over the current 6 year financial plan.

"I am also voting with reservations on this budget bill Mr. Speaker, so that I can still qualify to sit on the Conference Committee later in the Legislative Session. Our rules are such that if we vote "no" on a bill we are unable to participate as a Conference Committee member when the final bill is being negotiated between the House and the Senate.

"Generally speaking, I will support the part of the budget that addresses the Department of Education. Unfortunately, our education system is broken. The Board of Education is given the responsibility to govern Hawaii's public school system, but often shirks its responsibility and is unable to make tough decisions. The suggestion to restore "Furlough Fridays" through making additional cuts in other areas of the DOE is an idea that I strongly support. The DOE is the largest spender of State funds, spending over 2 billion a year. Instructional hours and days for our keiki should be the first priority of funding. Yet, in our current system, adult needs are being met over student needs. This system cut instruction time over the rest of the $2 billion being spent on education. This is perplexing to me.

"I am bothered by the comments this Committee Report makes on Public Charter Schools (PCS). Public Charter School law was passed with the understanding that if we were to give charter schools funds and remove much of the red tape that strangles most traditional schools, innovation, dedication, and freedom for these schools and their communities would create better learning environments and therefore, better educational results. The difficulty of getting information from PCSs is not that they don't have the information. It is mainly that the PCSs do not have the information in the same reporting mechanisms that exist in the DOE. I am disappointed in the conclusions made in this Committee Report. Hopefully, in the future there will be a Finance Committee that truly understands Public Charter Schools and their existence.

"Finally Mr. Speaker, this Committee Report criticizes the Administration for its antics of "kicking the can" down the road. We continue to experience an unprecedented economic recession. The delicate handling of cutting expenses and avoiding tax and fee increases is crucial to economic recovery and taxpayer sanity. If the Committee felt strongly against these measures, they should have done more than just complained; they should have fixed it.

"Even with the difficult decisions that we have to make on the Finance Committee, I am honored and privileged to be serving my constituents and the people of Hawaii in this way."

Representative Takumi rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I stand with some reservations on this measure. Thank you. You know it's been said that education is a process of moving from absolute ignorance to thoughtful uncertainty, and I think that's true with the budget-making process. We start off not knowing which direction we're going to go, and we're at this juncture where hopefully this document represents some thoughtfulness, but surely some uncertainty as well.

"I'd like to commend the Finance Chair, the Vice Chair, the Committee members, and also the Finance staff for what is always a 'Sisyphus task' as they always have to push that rock up the hill.

"Let me offer a bit of perspective, and hopefully it is with some thoughtfulness, and no doubt, some uncertainty as well. First a clarification. In the Committee Report, it states that the student enrollment in our public school system dropped 4% from 1999 to 2009, and of course this is true. It also states that the total funding from the Department, considering all funding sources, nearly tripled during that same period, increasing from approximately $987 million, to $2.8 billion.

"I would have hoped that the Committee Report would have elaborated what the reasons for this are, Mr. Speaker. And by the way, the DOE's budget in FY09 was $2.4 billion, not $2.8 billion. But during this period of time, those approximately 20% increase in collective bargaining, not to mention transfer of services. Those of you who were here not that long ago would remember transferring the autism services from the Department of Health, and school health aides from the Department of Health to the Department of Education. That totals in the hundreds of millions of dollars.

"The budget also reduces the purchase of service contracts. In the report it says that it's to spread the burden of general fund shortfall among those who have been benefiting from private contracts with the Department, but have not experienced cuts in funding for these contracts. Mr. Speaker, that's a bit vague, but what this would mean is that, as you well know, at any given school that has to engage in contracts for tree trimming or removing grease from their traps in the cafeteria, or elevator maintenance for those schools who have elevators, what the upshot of this is that these schools will now have to pay for this out of their own funds because these are services that must be done primarily for health and safety.

"But the biggest impact Mr. Speaker, is the $18.4 million cut from EDN100. I think we all know that this is a line item that goes directly to the schools, and a good chunk of that in the weighted student formula. The result of this cut would mean that class size from grades 3 to 6 will go up by almost two students, and grades 7 to 12 by almost four students. We've been saying all along that unlike other states that went with layoffs of teachers, and increased class sizes, we ended up with furloughs. Unfortunately this measure will increase class size without a doubt.

"So Mr. Speaker, I will remain hopeful that by the time the budget is up for the final vote, that this particular budget cut will be resolved. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure with reservations, stating:

"I just wanted to make sure that my reservations were noted. And ask that the words of the Minority Leader be entered as my own, and I will submit additional written comments as well."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2200, Relating to the Budget. As we are at the half-way point of the 2010 Legislative Session the budget comes to the forefront of this Body. This Legislature must find the delicate balance of balancing our budget yet keeping jobs and sustaining funding for vital community services and programs. I believe it is important to grow our small businesses, for it is these small business that are the back bone of our economy. We must find ways to help our small businesses because their success expands outwards to the rest of our economy.

"Fiscal inefficiency has been the chief reason for our State's budgetary woes. It is simple economics that you can't spend more than you bring in. As I pour over statistics and research looking at past budgets and this proposed budget, I find areas where we can be more fiscally sound. The Director of the Department of Human Services, Lillian Koller, has found several ways to make government more efficient. One proposal Ms. Koller has come up with is to reform the processing of applications and renewals for public assistance programs, including welfare, Medicaid and nutrition benefits. Ms. Koller doesn't want to cut services to the needy, rather, she wants to provide a more efficient service. This model of efficiency has been used quite successfully by many states, most notably being Florida.

"We must be more fiscally efficient as a Body. The great people of Hawaii have put their faith in us and we owe them prudence, diligence, and bipartisanship, especially during these economic times. It is of the upmost importance that we embrace fiscal integrity for the security and prosperity of our great citizens. Thank you."

The Chair then stated:

"Members, we've had a lot of discussion on this matter. I would ask if you are for or against the measure, if you could submit written comments to the Journal. It is 2:00 right now."

Representative Mizuno rose to respond, stating:

"Mr. Speaker, can I just with your indulgence, maybe have one minute of time please. Yes Mr. Speaker, I am still in support, but to rebut the previous speaker's comments."

At 1:59 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:00 o'clock p.m.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support of the measure, and I'm going to give up my time and insert my wonderful speech that I worked so hard on last night into the record."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of the measure. On February 21, 2010, Columnist Thomas Friedman wrote in the *New York Times*:

> "A small news item from Tracy, California caught my eye last week. Local station CBS reported that Tracy residents can pay a $48 dollar voluntary fee for the year which allows them to call 911 as many times as necessary. Or, there's the option of not signing up for the annual fee. Instead they will be charged $300 if they make a call for help."

"Welcome to the lean years."

"Hawaii has not escaped the effect of the US and global recession, and this budget dramatically illustrates the results. This is indeed a lean year.

"However, the House Finance Committee, ably led by Chair Marcus Oshiro, and supported by a hardworking and research-oriented staff have turned out a responsible yet tough budget to pass over to the Senate.

"Members spent many hours going line by line over the budget, and were rewarded by being part of a very open and transparent process. Each member had the opportunity for input, and discussions were frank and productive.

"Unlike the draft that came down from the Fifth Floor, the HD1 restores some essential services and does set priorities. There is no doubt that education, health, human services and agriculture remain at the top of our concerns.

"Fifty million dollars placed in the budget out of general funds, I repeat – general funds, affirms our conviction that furlough days for our public schools students need to cease. To avoid increasing the number of furlough days to address the budget crisis, the budget identifies areas in which efficiency could be improved. Your Committee has crafted a budget that would involve reductions in POS contracts to spread the burden of general fund shortfalls among those who have been benefiting from private contracts with the DOE, but have not experienced cuts in funding for those contracts.

"Regarding the Mililani High School field turf issue – Members should know that is an example of a true health and safety need for a school that has been generous to a fault in sharing the use of its facilities and staff to schools all over the Island.

"The budget graphically shows however, the huge impact the downturn has had upon departments. Where possible, positions and funds were restored, but funds don't allow for many additions. The Governor's budget has relied on floating payments for critical services down the river – a quick and dirty solution that families know is not the answer even in their personal finances.

"Last week, we passed some creative revenue generating measures, and we look forward to the action the Senate may take; hoping that restoration of some critical programs may be possible through their implementation.

"As Tom Friedman states in the *New York Times* article:

> "Unfortunately, to lead now is to trim – services – programs – personnel…. We have gone from the age of government handouts to the age of citizen givebacks; from the age of flying free to the age of paying for each bag."

"However, these efforts need to be done responsibly and with a plan in mind.

"To their credit, freshman members have maintained a 'stiff upper lip.' It wasn't supposed to be like this when they signed up – but they are taking it in stride, doing their homework and explaining to constituents why new programs, projects are not possible this session.

"Things will improve. National unemployment figures from last month look better, and local real estate transactions seem to be perking up. We were blessed that a possible tsunami last week produced only some unusual wave patterns.

"Mr. Speaker, this HD1 is just a beginning. The Council on Revenues meets again soon, and we have many difficult decisions still to make before the end of Session.

"However, I for one have confidence we will be up to the challenge. Therefore, I urge the Member's support."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for House Bill 2200, Relating to the State Budget. I have reservations with the State budget in its current form. During times like this we must be bolder. All we are doing is maintaining the status quo."

Representative Belatti rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise with reservations on HB 2200, HD 1. This budget bill seeks to meet the House's obligation of presenting a balanced budget to the electorate. It is premised upon revenue generating bills that I have already voted in opposition to. Because of my previous opposition on certain revenue-generation bills and because there is much more work that needs to be done on this bill, on determining where government can be reasonably cut, and on other revenue-generating bills as they move through the Senate and Conference Committees, I vote with reservations at this time."

The motion was put to vote by the Chair and carried, and H.B. No. 2200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 48 ayes, with Representatives Bertram, Herkes and Takai being excused.

At 2:01 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2200, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 108 through 114) and concurrent resolutions (H.C.R. Nos. 170 through 179) were referred to Printing and further action was deferred:

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO ADOPT UNAMBIGUOUS LANGUAGE REGARDING PHOTOGRAPHIC RECORDS ON EXPUNGEMENT CERTIFICATES," was offered by Representative Belatti, by request.

H.R. No. 109, entitled: "HOUSE RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was jointly offered by Representatives Takai, Aquino, Belatti, Bertram, Brower, Cabanilla, Carroll, Ching, Hanohano, Herkes, Ito, Karamatsu, C. Lee, M. Lee, Magaoay, Manahan, Mizuno, Nishimoto, M. Oshiro, Pine, Rhoads, Shimabukuro, Souki, Thielen, Wooley, Awana, Berg, Chang, Chong, Choy, Coffman, Evans, Finnegan, Keith-Agaran, Luke, Marumoto, McKelvey, Morita, Nakashima, B. Oshiro, Sagum, Saiki, Tokioka, Tsuji, Ward, Yamane and Yamashita.

H.R. No. 110, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was jointly offered by Representatives Takai, Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Ching, Chong, Evans, Hanohano, Har, Ito, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Sagum, Shimabukuro, Thielen, Tsuji, Wooley, Yamane, Yamashita, Chang, Choy, Herkes, Karamatsu, Marumoto, Souki, Takumi, Wakai and Ward.

H.R. No. 111, entitled: "HOUSE RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was jointly offered by Representatives Shimabukuro and Mizuno.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PROVIDE INFORMATION TO THE LEGISLATURE ON THE CONSTRUCTION AND USE OF CELL TOWERS," was offered by Representative Hanohano.

H.R. No. 113, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Mizuno and Coffman.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION MANDATING THE SIZE AND EXTENT OF A MANAGED CARE PLAN'S SPECIALTY NETWORK," was jointly offered by Representatives Mizuno, Shimabukuro and Yamane.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO ADOPT UNAMBIGUOUS LANGUAGE REGARDING PHOTOGRAPHIC RECORDS ON EXPUNGEMENT CERTIFICATES," was offered by Representative Belatti, by request.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW THE GUARDIANSHIP PROCESS WITH RESPECT TO PATIENTS IN HOSPITALS WHO ARE WAITLISTED FOR POST-ACUTE CARE," was jointly offered by Representatives Karamatsu, Belatti, Brower, Ito, McKelvey, Mizuno, Morita, Nishimoto, B. Oshiro, Shimabukuro, Souki, Tsuji, Cabanilla, Carroll, Herkes, Wakai and Yamane.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO HEALTH SYSTEM TASK FORCE," was jointly offered by Representatives Karamatsu, Belatti, Brower, Ito, McKelvey, Mizuno, Morita, Nishimoto, B. Oshiro, Shimabukuro, Souki, Tsuji, Cabanilla, Carroll, Herkes and Wakai.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL DISASTER PREPAREDNESS TRAINING CENTER AT THE UNIVERSITY OF HAWAII AT MANOA TO PREPARE A REPORT ON THE CIVIL DEFENSE PREPAREDNESS RESPONSE TO THE FEBRUARY, 2010 TSUNAMI THREAT," was jointly offered by Representatives Herkes, Chang, Coffman, Evans, Hanohano, Ito, Nakashima and Tsuji.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was jointly offered by Representatives Takai, Aquino, Belatti, Bertram, Brower, Cabanilla, Carroll, Ching, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, Mizuno, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Shimabukuro, Souki, Thielen, Wooley, Awana, Berg, Chang, Chong, Choy, Coffman, Evans, Finnegan, Ito, McKelvey, Morita, Nakashima, Saiki, Tokioka, Tsuji, Ward, Yamane and Yamashita.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was jointly offered by Representatives Takai, Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Ching, Chong, Evans, Hanohano, Har, Herkes, Ito, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nishimoto, Pine, Shimabukuro, Souki, Thielen, Tsuji, Wooley, Yamane, Yamashita, Chang, Choy, Karamatsu, Keith-Agaran, Nakashima, B. Oshiro, M. Oshiro, Sagum, Takumi, Wakai and Ward.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was jointly offered by Representatives Shimabukuro and Mizuno.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO PROVIDE INFORMATION TO THE LEGISLATURE ON THE CONSTRUCTION AND USE OF CELL TOWERS," was offered by Representative Hanohano.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Mizuno and Coffman.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION MANDATING THE SIZE AND EXTENT OF A MANAGED CARE PLAN'S SPECIALTY NETWORK," was jointly offered by Representatives Mizuno, Shimabukuro and Yamane.

ANNOUNCEMENTS

Representative Hanohano: "Yes, it's with great pride and honor that I stand today to congratulate the Pahoa High School Boys Basketball Team. The State Division II Championship Team. Mahalo."

Vice Speaker Magaoay: "Representative Hanohano, the team should be commended for that, and their trials and tribulations in getting to the State Championship, Division II. Thank you."

Representative Berg: "Yes, Mr. Speaker. I understand that we have another birthday today for one of our colleagues from the Big Island. If we could sing *Happy Birthday* to Representative Chang, I think it might help us leave this Chamber with good feelings. It is not *Kum Bah Ya*, but it is Happy Birthday. Thank you, Mr. Speaker."

Vice Speaker Magaoay: "Representative Chang, is it true that it is your birthday today? Do you have anything to say?"

Representative Chang: "I'd like to thank the Representative from Hawaii Kai, but unfortunately, it is not my birthday. Sorry."

ADJOURNMENT

At 2:03 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 9, 2010. (Representatives Bertram, Herkes and Takai were excused.)

TWENTY-SEVENTH DAY

Tuesday, March 9, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Kepapa Lee of the First Chinese Church, after which the Roll was called showing all Members present with the exception of Representative Bertram, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Sixth Day was deferred.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Shimabukuro introduced Mr. Danny Goya with the Partners in Development Ka Pa'alama Preschool Program; parents and *keiki* from the Paiolu Kaiaulu Transitional Shelter; the Ke Kama Pono Safe House for Boys; and the Kama'ehu Youth Mentoring Program.

Representative Shimabukuro also introduced members of the Surfrider Spirit Sessions surfers and youth.

Representative McKelvey introduced his constituent, Ms. Elle Cochran from West Maui.

Representative Finnegan introduced her friend, Mr. Joe Jung; and also on behalf of Representative Coffman and herself, Mr. Curtis Muraoka of West Hawaii Explorations Academy.

Representative Carroll introduced her cousin, Ms. Sherry Richards; and the women of the TJ Mahoney Ka Hale Ho'ala Hou No Na Wahine, and director Ms. Lorraine Robinson.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. No.	Referred to:
108	Committee on Judiciary

H.C.R. Nos.	Referred to:
170	Committee on Judiciary
171	Committee on Health, then to the Committee on Judiciary
172	Committee on Health, then to the Committee on Finance
173	Committee on Public Safety, then to the Committee on Finance

S.C.R. Nos.	Referred to:
21	Committee on Education, then to the Committee on Finance
28, SD1	Committee on Education, then to the Committee on Finance
38, SD1	Committee on Judiciary
94, SD1	Committee on Education, then to the Committee on Finance

At 12:16 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:19 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representative Bertram was excused.)

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 477-10) recommending that S.B. No. 1059, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1059, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Hanohano offered Floor Amendment No. 5, amending S.B. No. 1059, SD 2, HD 2, as follows:

"SECTION 1. S.B. No. 1059, S.D. 2, H.D. 2, RELATING TO FIREWORKS, is amended by amending section 1 to read as follows:

"SECTION 1. Chapter 132D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§132D- County ordinances.** (a) Nothing in this chapter shall be construed to supersede or in any manner affect a county fireworks ordinance; provided that the ordinance is at least as stringent in the control or prohibition of fireworks as the law under this chapter.

(b) Nothing in this chapter shall prohibit a county from enacting ordinances that are more stringent in the control or prohibition of fireworks than this chapter.""

SECTION 2. S.B. No. 1059, S.D. 2, H.D. 2, RELATING TO FIREWORKS, is amended by adding a new section 2 to read as follows:

"SECTION 2. Section 132D-17, Hawaii Revised Statutes, is repealed.

["~~**§132D-17 Inconsistent county ordinances, rules.** Notwithstanding any other law to the contrary, no county shall enact ordinances or adopt any rules regulating fireworks or articles pyrotechnic, except as required in this chapter, that is inconsistent with or more restrictive than, the provisions of this chapter. Any ordinances and rules regulating fireworks or articles pyrotechnic that were enacted or adopted by a county before March 31, 1995, except those provisions which are not inconsistent with, or more restrictive than those of this chapter, are declared void.~~"]"

SECTION 3. S.B. No. 1059, S.D. 2, H.D. 2, RELATING TO FIREWORKS, is amended by adding a new section 3 to read as follows:

"SECTION 3. (a) There shall be established within the legislative reference bureau for administrative purposes an illegal fireworks task force. The task force shall develop a plan and make recommendations to stop the importation of illegal fireworks and explosives into Hawaii and develop a strategy to ensure the safety and security of the airports, harbors, and other facilities and institutions in this State against the discharge of illegal fireworks and explosives.

(b) The illegal fireworks task force shall meet a minimum of five times between June 1, 2010, and December 31, 2010. The task force may continue to meet beyond December 31, 2010, if necessary. The task force shall be dissolved on June 30, 2011.

(c) The legislative reference bureau shall provide administrative support to the illegal fireworks task force.

(d) The interim chair of the illegal fireworks task force shall be the director of the legislative reference bureau. Upon the appointment of the last member to the task force, the members of the task force shall select a new chair from among their membership. The task force may include representatives from the following organizations:

(1) Federal Bureau of Investigation;

(2) United States Drug Enforcement Agency;

(3) United States Coast Guard;

(4) Department of Homeland Security;

(5) Department of public safety;

(6) Department of transportation;

(7) Department of agriculture;

(8) Department of transportation - harbors division;

(9) Department of transportation - airports division;

(10) Department of defense;

(11) Department of the attorney general;

(12) Police departments of the city and county of Honolulu, county of Maui, county of Hawaii, and county of Kauai;

(13) Office of the prosecuting attorney of the city and county of Honolulu, county of Maui, county of Hawaii, and county of Kauai;

(14) State fire council;

(15) Consumer Product Safety Commission;

(16) Federal Aviation Administration;

(17) Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

(18) United States Customs and Border Protection;

provided that the governor, the president of the senate, and the speaker of the house of representatives shall each appoint one member in addition to those specified in paragraphs (1) through (18); provided further that two additional members of the task force shall be representatives of the shipping and trucking industries; and provided further that two additional members of the task force shall be representatives of the fireworks industry.

(e) The illegal fireworks task force shall submit a preliminary plan and strategy report to the legislature no later than January 10, 2011."

SECTION 4. S.B. No. 1059, S.D. 2, H.D. 2, RELATING TO FIREWORKS, is amended by renumbering sections 2 and 3 to sections 4 and 5 respectively.

SECTION 5. S.B. No. 1059, S.D. 2, H.D. 2, RELATING TO FIREWORKS, is amended by amending the renumbered section 5 to read as follows:

"SECTION 5. This Act shall take effect on July 1, 2015.""

On motion by Representative Hanohano, seconded by Representative Takai and carried, Floor Amendment No. 5, amending S.B. No. 1059, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was adopted, with Representative Bertram being excused.

At 12:21 o'clock p.m., the Chair noted that Floor Amendment No. 5 was adopted.

At 12:21 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m., with Vice Speaker Magaoay presiding.

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 139) was announced by the Clerk and the following action taken:

H.R. No. 139, entitled: "HOUSE RESOLUTION CONGRATULATING WILLIAM F. ROBACK, JR., ON HIS ELECTION AS ALIʻI NUI AND GRANDMASTER OF THE ROYAL ORDER OF KAMEHAMEHA I," was jointly offered by Representatives Carroll, Aquino, Awana, Berg, Evans, Finnegan, Hanohano, Ito, Mizuno, Morita, B. Oshiro, M. Oshiro, Sagum, Shimabukuro and Yamashita.

Representative Carroll moved that H.R. No. 139 be adopted, seconded by Representative Tokioka.

The Royal Order of Kamehameha I entered the House Chamber accompanied by an *oli*.

Representative Carroll congratulated Ali'i Nui and Grandmaster, Mr. William F. Roback, Jr., who was seated on the Floor of the House, and commended him for his dedication and commitment to perpetuate the ancient culture, customs, protocol and traditions of the Kanaka Maoli.

Representative Tokioka then introduced the Grand Council, High Chiefs and chiefs of the Royal Order of Kamehameha I accompanying Mr. Roback and seated on the Floor of the House:

Kalaimoku and Chancellor, Ali'i Sir Edward L. Akana of Oahu;

Ali'i Aimoku O Hawaii, Chapter One, Ali'i Sir Arthur Aiu of Oahu;

Ali'i Aimoku O Kaumuali'i III, Ali'i Sir Ronald Iida of Kauai; and

Ali'i Aimoku O Kapuaiwa, Ali'i Sir James Kaleohano of Oahu.

Representative Carroll then introduced members of the Royal Order of Kamehameha I who were seated in the gallery:

Ali'i Kahuna Pule, Moku O Kahekili, Ali'i Sir John Tomoso who gave the *oli*;

Ku'auhau Nui, Ali'i Sir George Kaho'ohanohano;

Ali'i O Kana, Moku O Kuhio, Ali'i Sir Gary Keawe Aiko;

Lani Ali'i (Protocol Officer), Ali'i Sir William Souza; and

Councilmember and Mamo Ali'i, Moku O Kahekili, Ali'i Sir Bill Kauakea Medeiros.

Representative Carroll then recognized the members of each of the Chapters of the Royal Order of Kamehameha I:

Moku O Hawaii, Chapter One;
Moku O Kaumuali'i, Chapter Three, Kauai;
Moku O Kahekili, Chapter Four, Maui;
Moku O Kuhio, Chapter VI, Kaneohe, Oahu;
Moku O Kona, Chapter VII, Hawaii Island; and
Moku O Kapuaiwa, Chapter VIII, Kapolei, Nanakuli and Waianae, Oahu.

Representative Carroll also introduced Mrs. Jean Iida of Kauai, wife of Ali'i Sir Ronald Iida, who was seated in the gallery.

Representative Ching also offered her gratitude to the Royal Order of Kamehameha I and the Royal family for their dedication to perpetuating and elevating the native Hawaiian culture.

The motion was put to vote by the Chair and carried, and H.R. No. 139 was adopted, with Representative Bertram being excused.

The following resolution (H.R. No. 138) was announced by the Clerk and the following action taken:

H.R. No. 138, entitled: "HOUSE RESOLUTION HONORING THE ACCOMPLISHMENTS OF OUTSTANDING POLYNESIAN TRIBAL SURFERS," was offered by Representative Sagum.

Representative Sagum moved that H.R. No. 138 be adopted, seconded by Representative M. Oshiro.

Representative Sagum honored the memory of legendary surfers and watermen and woman, the late Duke Kahanamoku, the late Eddie Aikau, and the late Rell Sunn.

Representative Sagum then introduced Mr. Earl Pamai Tenn of the Duke Kahanamoku Foundation who was seated in the gallery.

Representative Shimabukuro also honored the memory of long board surfer and the Queen of Makaha, Ms. Rell Sunn.

Representative Shimabukuro then introduced legendary surfer, and founder of the Buffalo Big Board Surf Contest, Mr. Richard Buffalo Keaulana who was seated on the Floor of the House, as well as his wife, Mrs. Momi Keaulana and daughter, Ms. Lehua Keaulana who were seated in the gallery.

Representative Shimabukuro next introduced surf instructor and owner of Hawaiian Surfing Adventures, Mr. Mitchell Alapa of Kauai who was seated on the Floor of the House, as well as the Alapa Ohana, Mr. Mitchell Alapa Jr. and his cousin Mr. Norman Kalahiki, who were seated in the gallery.

Representative M. Oshiro introduced holder of numerous world surfing titles and International Surfing Hall of Fame inductee, Mr. Derek Ho who was seated on the Floor of the House, as well as his family: wife, Mrs. Tanya Ho; daughter, Ms. Kiana Ho; and son, Mr. Nakoa Ho who were seated in the gallery.

Representative M. Oshiro next introduced surf instructor and winner of the first Quicksilver Big Wave Invitational in Memory of Eddie Aikau surf contest, as well as participant in the most recent contest in 2009, International Surfing Hall of Fame inductee, Mr. Clyde Aikau who was seated on the Floor of the House.

Representative M. Oshiro then introduced innovative surf board designer and performance shortboard shaper, and International Surfing Hall of Fame inductee, Mr. Ben Aipa who was seated on the Floor of the House.

Vice Speaker Magaoay, as the Representative from the North Shore of Oahu, also commended the honorees and thanked them for their contributions to the sport of surfing.

The motion was put to vote by the Chair and carried, and H.R. No. 138 was adopted, with Representative Bertram being excused.

At 12:58 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 117 through 137) and concurrent resolutions (H.C.R. Nos. 180 through 208) were referred to Printing and further action was deferred:

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was offered by Representative Marumoto.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONVENE AN AGRICULTURAL WORKING GROUP TO RECOMMEND STRUCTURAL CHANGES TO MEET THE NEEDS AND OPPORTUNITIES OF HAWAII'S AGRICULTURAL INDUSTRY IN THE TWENTY-FIRST CENTURY," was jointly offered by Representatives Tsuji, Chong, Ito, Manahan, Wooley, Yamashita and Choy.

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was jointly offered by Representatives Tsuji, Chong, Ito, Manahan, Wooley, Yamashita and Choy.

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was offered by Representative Hanohano.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was offered by Representative Hanohano.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO RESUME ITS MEETINGS AND TO MEET AT LEAST QUARTERLY," was offered by Representative Hanohano.

H.R. No. 123, entitled: "HOUSE RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was offered by Representative Hanohano.

H.R. No. 124, entitled: "HOUSE RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ADOPT POLICIES THAT PROVIDE FULL DISCLOSURE OF TAX EXEMPTIONS IT CERTIFIES," was jointly offered by Representatives Cabanilla, Mizuno, Morita and Karamatsu.

H.R. No. 125, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND ASSESS HOW THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM MAY BE RESTRUCTURED AND ITS MISSION REDIRECTED," was offered by Representative M. Oshiro.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY TO DETERMINE WHETHER THE STATE PROCUREMENT OFFICE SHOULD CENTRALIZE THE PROVISION OF COMPLEX PROCUREMENT SERVICES," was offered by Representative M. Oshiro.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT GOVERNMENT AND PRIVATE SECTOR HUMAN RESOURCES TASK FORCE TO STUDY THE SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN STATE GOVERNMENT AND THE STREAMLINING OF OPERATIONS BETWEEN THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT AND LINE DEPARTMENTS," was offered by Representative M. Oshiro.

H.R. No. 128, entitled: "HOUSE RESOLUTION REQUESTING A COST-BENEFIT STUDY TO DETERMINE WHETHER LEASING INCOME CAN BE MAXIMIZED FROM AIRPORT AND HARBOR SPACE THROUGH THE USE OF RETAIL LEASING AGENTS," was offered by Representative M. Oshiro.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE IF SAVINGS MAY BE ACHIEVED BY HAVING THE HIGHWAYS, HARBORS, AND AIRPORTS DIVISIONS SHARE CERTAIN COMMON FUNCTIONS," was offered by Representative M. Oshiro.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF STATE LAND ASSETS AND NATURAL RESOURCES AND A DETERMINATION OF THEIR UTILIZATION AND POTENTIAL FOR REVENUE GENERATION," was offered by Representative M. Oshiro.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO FORMULATE AN EQUITABLE AND OBJECTIVE MEASURE FOR DISTRIBUTING TRANSPORTATION TAX REVENUE AND FEDERAL FUNDING FOR AIRPORT, HARBOR, AND HIGHWAY PROJECTS TO THE COUNTIES," was offered by Representative M. Oshiro.

H.R. No. 132, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCREASE FINES AND LIENS FOR MULTIPLE VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH ORDINANCES," was offered by Representative Marumoto.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP AND IMPLEMENT A SUSTAINABLE PLAN TO REPAIR ALL PUBLIC HOUSING UNITS IN NEED OF MAINTENANCE," was jointly offered by Representatives Awana, C. Lee and Morita.

H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was jointly offered by Representatives Awana, Brower, M. Lee, Rhoads, Har and Souki.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, IN COLLABORATION WITH THE DEPARTMENT OF EDUCATION AND UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, TO DEVELOP PROGRAMS AND WRITTEN GUIDELINES FOR HAWAII'S BUSINESSES AND SCHOOLS TO EDUCATE AND PROMOTE A HEALTHY LIFESTYLE," was jointly offered by Representatives Awana, Brower, Hanohano, M. Lee, Nakashima, Sagum, Souki and Takumi.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR, PURSUANT TO SECTION 26H-6, HAWAII REVISED STATUTES, TO CONDUCT AN ANALYSIS OF THE PRACTICE OF EXCHANGE ACCOMMODATION IN HAWAII," was offered by Representative Morita.

H.R. No. 137, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII TO IDENTIFY AND APPROPRIATE PERMANENT FUNDING FOR THE HAWAII STATE ENERGY OFFICE," was jointly offered by Representatives Morita and Coffman.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was offered by Representative Marumoto.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO DEVELOP A PLAN TO REDIRECT STORM WATER RUNOFF FROM STATE LANDS ADJACENT TO THE HANAPEPE SALT PONDS AWAY FROM THE SALT PANS," was offered by Representative Sagum.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO OFFER LEASES OF PUBLIC LAND LOCATED IN KOKEʻE STATE PARK THROUGH A PUBLIC LOTTERY SYSTEM," was jointly offered by Representatives Sagum, Morita and Tokioka.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONVENE AN AGRICULTURAL WORKING GROUP TO RECOMMEND STRUCTURAL CHANGES TO MEET THE NEEDS AND OPPORTUNITIES OF HAWAII'S AGRICULTURAL INDUSTRY IN THE TWENTY-FIRST CENTURY," was jointly offered by Representatives Tsuji, Chong, Ito, Manahan, Wooley, Yamashita and Choy.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was jointly offered by Representatives Tsuji, Chong, Ito, Manahan, Wooley, Yamashita and Choy.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PROPOSED CORRECTION OF THE LAND EXCHANGE BETWEEN THE STATE AND THE ALOHA COUNCIL OF THE BOY SCOUTS OF AMERICA MADE PURSUANT TO ACT 27, SESSION LAWS OF HAWAII 2003, THAT INADVERTENTLY OMITTED THE PARCEL OF LAND IDENTIFIED IN TAX MAP KEY NUMBER (1) 5-9-05-077 FROM THE BUREAU OF CONVEYANCES RECORD CONVEYING THE LAND EXCHANGE," was jointly offered by Representatives Ito, Har, Karamatsu and Magaoay.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND ITS ADMINISTRATIVE RULES RELATING TO CAMPING AT STATE PARKS," was jointly offered by Representatives Ito, Har, Karamatsu and Magaoay.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was offered by Representative Hanohano.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was offered by Representative Hanohano.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO RESUME ITS MEETINGS AND TO MEET AT LEAST QUARTERLY," was offered by Representative Hanohano.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was offered by Representative Hanohano.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO ADOPT POLICIES THAT PROVIDE FULL DISCLOSURE OF TAX EXEMPTIONS IT CERTIFIES," was jointly offered by Representatives Cabanilla, Mizuno, Morita and Karamatsu.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND ASSESS HOW THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM MAY BE RESTRUCTURED AND ITS MISSION REDIRECTED," was offered by Representative M. Oshiro.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY TO DETERMINE WHETHER THE STATE PROCUREMENT OFFICE SHOULD CENTRALIZE THE PROVISION OF COMPLEX PROCUREMENT SERVICES," was offered by Representative M. Oshiro.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT GOVERNMENT AND PRIVATE SECTOR HUMAN RESOURCES TASK FORCE TO STUDY THE SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN STATE GOVERNMENT AND THE STREAMLINING OF OPERATIONS BETWEEN THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT AND LINE DEPARTMENTS," was offered by Representative M. Oshiro.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COST-BENEFIT STUDY TO DETERMINE WHETHER LEASING INCOME CAN BE MAXIMIZED FROM AIRPORT AND HARBOR SPACE THROUGH THE USE OF RETAIL LEASING AGENTS," was offered by Representative M. Oshiro.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE IF SAVINGS MAY BE ACHIEVED BY HAVING THE HIGHWAYS, HARBORS, AND AIRPORTS DIVISIONS SHARE CERTAIN COMMON FUNCTIONS," was offered by Representative M. Oshiro.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF STATE LAND ASSETS AND NATURAL RESOURCES AND A DETERMINATION OF THEIR UTILIZATION AND POTENTIAL FOR REVENUE GENERATION," was offered by Representative M. Oshiro.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO FORMULATE AN EQUITABLE AND OBJECTIVE MEASURE FOR DISTRIBUTING TRANSPORTATION TAX REVENUE AND FEDERAL FUNDING FOR AIRPORT, HARBOR, AND HIGHWAY PROJECTS TO THE COUNTIES," was offered by Representative M. Oshiro.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A JOINT PUBLIC AND PRIVATE SECTOR TASK FORCE TO ASSESS AND IDENTIFY WHICH CORE SERVICES SHOULD BE PROVIDED BY THE GOVERNMENT, THE APPROPRIATE LEVEL OF GOVERNMENT TO PROVIDE THOSE SERVICES, AND WHICH SERVICES MAY BE BETTER PROVIDED BY THE PRIVATE SECTOR OR THROUGH PUBLIC-PRIVATE PARTNERSHIPS," was offered by Representative M. Oshiro.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE-OWNED BANK," was offered by Representative M. Oshiro.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF KIOSKS IN EACH STATE-OWNED AIRPORT DEDICATED TO CONSERVATION OUTREACH WITH INFORMATION ON THE IMPORTANCE OF CARING FOR THE STATE'S UNIQUE AND FRAGILE ECOSYSTEM," was offered by Representative Souki.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND AIRING OF PUBLIC SERVICE ANNOUNCEMENTS ON COMMERCIAL PASSENGER AIR FLIGHTS TO THE STATE ON THE IMPORTANCE OF CARING FOR THE STATE'S UNIQUE AND FRAGILE ECOSYSTEM," was offered by Representative Souki.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE EFFORTS OF THE KAUAI BEEKEEPERS ASSOCIATION AND OTHER KEY STAKEHOLDERS FOR THEIR EFFORTS TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH EDUCATION AND PREVENTION OF THE VARROA MITE AND OTHER INVASIVE SPECIES," was jointly offered by Representatives Tokioka, Morita and Sagum.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCREASE FINES AND LIENS FOR MULTIPLE VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH ORDINANCES," was offered by Representative Marumoto.

H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP AND IMPLEMENT A SUSTAINABLE PLAN TO REPAIR ALL PUBLIC HOUSING UNITS IN NEED OF MAINTENANCE," was jointly offered by Representatives Awana, C. Lee and Morita.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was jointly offered by Representatives Awana, M. Lee, Rhoads, Har and Souki.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR, PURSUANT TO SECTION 26H-6, HAWAII REVISED STATUTES, TO CONDUCT AN ANALYSIS OF THE PRACTICE OF EXCHANGE ACCOMMODATION IN HAWAII," was offered by Representative Morita.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO IDENTIFY AND APPROPRIATE PERMANENT FUNDING FOR THE HAWAII STATE ENERGY OFFICE," was jointly offered by Representatives Morita and Coffman.

ANNOUNCEMENTS

Representative Mizuno, for the Committees on Human Services and Health requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and holding decision making on the following measures on Thursday, March 11, at 9:30 a.m. in Conference Room 329, and the Chair "so ordered."

S.B. No. 2287, Relating to County Zoning for Group Living Facilities;
S.B. No. 2469, SD 2, Relating to the Emergency and Budget Reserve Fund; and
S.B. No. 2650, SD 2, Relating to the Department of Human Services.

Representative Carroll: "Thank you, Mr. Speaker. Members, you have on your desk a program with a ticket to our luncheon. Please come and join us for some Hawaiian food, courtesy of the Office of Hawaiian Affairs. There will be some entertainment from Kupa'aina as well. Mahalo."

ADJOURNMENT

At 1:12 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 10, 2010. (Representatives Bertram, Chang, Finnegan, M. Oshiro, Saiki, Takai and Tokioka were excused.)

TWENTY-EIGHTH DAY

Wednesday, March 10, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

Representative Awana introduced her cousin, Father Alapaki Kim of St. Rita's Church, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Tokioka, Wakai and Ward, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Seventh Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 338 and 339) were received and announced by the Clerk:

Sen. Com. No. 338, transmitting S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," which was adopted by the Senate on March 9, 2010.

Sen. Com. No. 339, informing the House that the Senate has on March 9, 2010, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES."

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Carroll introduced her *ohana* from Waiohule, Kula, Maui: Aunty Kahilihiwa Kipapa, and her daughter Ms. Corinna Figueroa.

Representative Morita, on behalf of the Kauai delegation, introduced Ms. Judy Lenthall, Executive Director of the Kauai Food Bank.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
109	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
110	Committee on Economic Revitalization, Business, & Military Affairs
111	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
112	Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
113	Committee on Energy & Environmental Protection
114	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
117	Committee on Health, then to the Committee on Consumer Protection & Commerce
118	Committee on Agriculture, then jointly to the Committee on Legislative Management and the Committee on Finance
119	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
120	Committee on Public Safety, then to the Committee on Finance
121	Committee on Public Safety, then to the Committee on Finance
122	Committee on Public Safety, then to the Committee on Finance
123	Jointly to the Committee on Public Safety and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
124	Committee on Housing, then to the Committee on Finance
125	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
126	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
127	Committee on Labor & Public Employment, then to the Committee on Finance
128	Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance
129	Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance
130	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
131	Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance
132	Committee on Judiciary
133	Committee on Housing, then to the Committee on Finance
134	Committee on Transportation, then to the Committee on Finance
135	Committee on Health, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance

H.C.R. Nos.	Referred to:
174	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
175	Committee on Economic Revitalization, Business, & Military Affairs

176 Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance

177 Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

178 Committee on Energy & Environmental Protection

179 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

180 Committee on Health, then to the Committee on Consumer Protection & Commerce

181 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

182 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

183 Committee on Agriculture, then jointly to the Committee on Legislative Management and the Committee on Finance

184 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

185 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

186 Committee on Water, Land, & Ocean Resources

187 Committee on Public Safety, then to the Committee on Finance

188 Committee on Public Safety, then to the Committee on Finance

189 Committee on Public Safety, then to the Committee on Finance

190 Jointly to the Committee on Public Safety and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

191 Committee on Housing, then to the Committee on Finance

192 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

193 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

194 Committee on Labor & Public Employment, then to the Committee on Finance

195 Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance

196 Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance

197 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

198 Committee on Transportation, then jointly to the Committee on Legislative Management and the Committee on Finance

199 Committee on Finance

200 Committee on Consumer Protection & Commerce, then jointly to the Committee on Legislative Management and the Committee on Finance

201 Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

202 Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

203 Committee on Agriculture

204 Committee on Judiciary

205 Committee on Housing, then to the Committee on Finance

206 Committee on Transportation, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.	**Re-referred to:**
707, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Legislative Management and the Committee on Finance
2050	Committee on Labor & Public Employment, then to the Committee on Finance
2116, SD2	Committee on Judiciary, then to the Committee on Finance
2559, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 683-10), recommending that H.C.R. No. 81, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary, with Representatives Bertram, Tokioka, Wakai and Ward being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 684-10) recommending that H.R. No. 30, be adopted; and

(Stand. Com. Rep. No. 685-10) recommending that H.C.R. No. 71, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 30, and H.C.R. No. 71, be adopted, seconded by Representative Evans.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I would like to stand in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 30, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Bertram, Tokioka, Wakai and Ward being excused; and

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Bertram, Tokioka, Wakai and Ward being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 686-10) recommending that H.C.R. No. 87, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE WEEK THAT INCLUDES AUGUST 24TH AS SURF WEEK IN HAWAII," was adopted, with Representatives Bertram, Tokioka, Wakai and Ward being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 687-10) recommending that S.B. No. 2028, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2028, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Tokioka, Wakai and Ward being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 140 through 254) and concurrent resolutions (H.C.R. Nos. 209 through 339) were referred to Printing and further action was deferred:

H.R. No. 140, entitled: "HOUSE RESOLUTION URGING THE OWNER OF THE HONOLULU STAR-BULLETIN TO PROVIDE SUFFICIENT TIME TO FIND A NEW OWNER FOR THE NEWSPAPER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was jointly offered by Representatives Takumi, Aquino, Awana, Belatti, Berg, Brower, Hanohano, Keith-Agaran, C. Lee, Luke, Mizuno, Morita, Nishimoto, M. Oshiro, Pine, Shimabukuro, Souki, Takai, Wakai, Ward, Chong, Evans, Marumoto and Nakashima.

H.R. No. 141, entitled: "HOUSE RESOLUTION URGING THE BOARD OF NATUROPATHIC MEDICINE TO MAKE RULES CONSISTENT WITH ACT 222, SPECIAL SESSION LAWS OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM PARENTERAL THERAPY," was jointly offered by Representatives Brower, Awana, Berg, Evans, Hanohano, Mizuno, Morita, Shimabukuro, Souki, Keith-Agaran, C. Lee, Luke, Nakashima, Nishimoto and Wakai.

H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE TO BE PLACED ON MILLER STREET ADJACENT TO WASHINGTON PLACE, FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was jointly offered by Representatives Luke and Har.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THE REPUBLIC OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS, TO CEASE DISCRIMINATION AGAINST THE ECUMENICAL PATRIARCHATE, TO GRANT THE ECUMENICAL PATRIARCH APPROPRIATE ECUMENICAL RECOGNITION, ECCLESIASTIC SUCCESSION, AND THE RIGHT TO TRAIN CLERGY OF ALL NATIONALITIES, AND TO RESPECT THE PROPERTY RIGHTS, HUMAN RIGHTS, AND RELIGIOUS RIGHTS OF THE ECUMENICAL PATRIARCHATE," was jointly offered by Representatives Luke and Berg.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT COMMERCIAL USE PERMIT REVISION AND REISSUANCE BY CONSULTING AND PROVIDING ADVANCED NOTICE TO PERMITTEES," was offered by Representative Ito.

H.R. No. 145, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," was offered by Representative Manahan.

H.R. No. 146, entitled: "HOUSE RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was offered by Representative Manahan.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONSIDER THE CONCERNS AND ISSUES RAISED WITH REGARD TO THE AUTONOMY OF THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT," was offered by Representative Manahan.

H.R. No. 148, entitled: "HOUSE RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, ENMPLOYMENT [*sic*], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was jointly offered by Representatives Mizuno and Brower.

H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON HUMAN SERVICES TO CONVENE A WORKING GROUP TO FURTHER STUDY RECOMMENDATIONS MADE BY THE SR 10 WORKING GROUP COMMITTEES," was offered by Representative Mizuno.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DISSEMINATE INFORMATION, INCLUDING VACCINES FOR FEMALES BETWEEN THE AGES OF 9 TO 26 YEARS, TO BETTER PREVENT AND ERADICATE CERVICAL CANCER CASES IN HAWAI`I," was jointly offered by Representatives Marumoto, Aquino, Awana, Belatti, Berg, Evans, Hanohano, C. Lee, Luke, Mizuno, Morita, Pine, Shimabukuro, Thielen, Wooley and Cabanilla.

H.R. No. 151, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SEEK AND GATHER INPUT ON REVENUE GENERATING INITIATIVES FROM ITS BENEFICIARIES," was jointly offered by Representatives Awana, Belatti, Aquino, Nishimoto and Yamane.

H.R. No. 152, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO DEVELOP A VOUCHER SYSTEM FOR THE COLLECTION OF USED TIRES TO ADDRESS ILLEGAL DUMPING," was jointly offered by Representatives Awana, Brower, Marumoto, Shimabukuro, Aquino, Belatti, Finnegan and Nishimoto.

H.R. No. 153, entitled: "HOUSE RESOLUTION REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was jointly offered by Representatives Evans, Coffman, McKelvey, Tsuji, Wakai, Choy, Herkes and Manahan.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS OF THE UNITED STATES DEPARTMENT OF DEFENSE TO REVISE THE PRIORITIES FOR ACCESS TO HEALTH CARE AT MILITARY HEALTH FACILITIES TO GIVE MEMBERS OF THE NATIONAL GUARD WHO ARE INJURED IN ANY DUTY STATUS THE SAME PRIORITY AS ACTIVE DUTY MILITARY MEMBERS," was jointly offered by Representatives Evans, McKelvey, Tsuji, Choy, Manahan, Wakai and Ward.

H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A MOPED TASK FORCE TO EXPLORE THE FEASIBILITY OF CLASSIFYING MOPEDS LIKE MOTORCYCLES IN CERTAIN INSTANCES," was jointly offered by Representatives Ching, Finnegan, Marumoto, Pine, Thielen, Takumi and Ward.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN ILLEGAL MOPED HOTLINE," was jointly offered by Representatives Ching, Finnegan, Marumoto, Pine and Ward.

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING THAT EACH COUNTY ESTABLISH AN ILLEGAL FIREWORKS HOTLINE PROGRAM," was jointly offered by Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION CONDUCT A STUDY ON THE IMPLEMENTATION AND EXECUTION OF A FLEXIBLE LIGHT RAIL SYSTEM IN HONOLULU," was jointly offered by Representatives Ching, Thielen, Finnegan and Pine.

H.R. No. 159, entitled: "HOUSE RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was jointly offered by Representatives Morita, Coffman, Herkes, C. Lee, Cabanilla, Ito and Sagum.

H.R. No. 160, entitled: "HOUSE RESOLUTION ENCOURAGING KAMEHAMEHA SCHOOLS BISHOP ESTATE TO KEEP KAMILO NUI VALLEY IN AGRICULTURAL LAND USE AND TO RENEGOTIATE AFFORDABLE LEASE RENTS TO ALLOW EXISTING FARMERS TO REMAIN ON THEIR FARM LOTS UNTIL 2025," was jointly offered by Representatives Ward, Brower, Cabanilla, Ching, McKelvey, Mizuno, Aquino, Belatti, Evans, Herkes, Keith-Agaran, Magaoay, Souki, Thielen and Wakai.

H.R. No. 161, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO MAKE TOP PRIORITY PROJECTS THE INSTALLATION OF A LEFT-TURN-ONLY LANE ON KALANIANAOLE HIGHWAY KOKO HEAD-BOUND INTO THE KOKO MARINA SHOPPING CENTER AND THE INSTALLATION OF A SECOND RIGHT-TURN LANE FROM LUNALILO HOME ROAD EWA-BOUND ONTO KALANIANAOLE HIGHWAY," was jointly offered by Representatives Ward, McKelvey, Aquino, Belatti, Cabanilla, Choy, Evans, Keith-Agaran, Mizuno, Sagum, Souki and Wakai.

H.R. No. 162, entitled: "HOUSE RESOLUTION ENCOURAGING THE UNITED STATES MILITARY TO ESTABLISH AND PROMOTE HAWAII AS A PREMIER REST AND RECREATION DESTINATION FOR ACTIVE DUTY PERSONNEL," was jointly offered by Representatives Ward, Brower, Ching, Finnegan, Magaoay, Marumoto, Mizuno, Sagum, Takai, Thielen, Tokioka, Wakai, Aquino, Awana, Belatti, Cabanilla, Choy, Evans, Herkes, Keith-Agaran, McKelvey, Morita, Nakashima, Nishimoto, Souki and Tsuji.

[Note: The following House Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF THE PROFESSION OF MUSIC THERAPY," was offered by Representative Aquino.

H.R. No. 164, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO DRAFT RECOMMENDATIONS ON REASONABLE RESTRICTIONS ON FLYING THE UNITED STATES AND STATE FLAG WITHIN PLANNED COMMUNITY ASSOCIATIONS AND CONDOMINIUMS," was jointly offered by Representatives Cabanilla, Awana, Chong, Ito, Mizuno, C. Lee, Morita and Sagum.

H.R. No. 165, entitled: "HOUSE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENL ETHER (DECABDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES," was offered by Representative Yamane.

H.R. No. 166, entitled: "HOUSE RESOLUTION INVESTIGATING ALLEGED IMPROPRIETIES IN THE DEPARTMENT OF TRANSPORTATION'S AWARDING OF THE HONOLULU INTERNATIONAL AIRPORT'S WIKI WIKI SHUTTLE SERVICE CONTRACT," was offered by Representative M. Oshiro.

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," was jointly offered by Representatives Chang, Herkes, Nakashima, Sagum and Takumi.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO REPORT ON THE FEASIBILITY OF PROVIDING WI-FI INTERNET ACCESS ON SCHOOL BUSES," was jointly offered by Representatives Evans, Coffman, Herkes, M. Lee, Takai, Takumi, Keith-Agaran and McKelvey.

H.R. No. 169, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE TO EVALUATE THE IMPLEMENTATION OF PARIMUTUEL WAGERING ON HORSE RACING," was offered by Representative Say, by request.

H.R. No. 170, entitled: "HOUSE RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was jointly offered by Representatives Manahan, Cabanilla, Chang, Ching, Chong, Say and Yamane.

H.R. No. 171, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO MAKE THE HALEAKALA TRAIL AVAILABLE TO THE PEOPLE OF HAWAII," was jointly offered by Representatives Bertram, Brower, Evans, Hanohano, Nakashima and Keith-Agaran.

H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING THAT A LOʻI BE ESTABLISHED ON THE GROUNDS OF THE STATE CAPITOL," was jointly offered by Representatives Bertram, Brower, Carroll, Evans, Hanohano, Keith-Agaran, McKelvey, Mizuno, Shimabukuro, Nakashima and Yamashita.

H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS WITH THE ASSISTANCE OF THE BERNICE PAUAHI BISHOP MUSEUM TO DEVELOP A PLAN TO IMPLEMENT REPLICAS OF HAWAIIAN HALE ON THE STATE CAPITOL LAWN SURROUNDED BY TROPICAL FOLIAGE FOR REST AREAS," was jointly offered by Representatives Bertram, Brower, Carroll, Evans, Hanohano, Keith-Agaran, C. Lee, McKelvey, Mizuno, Shimabukuro, Yamashita and Souki.

H.R. No. 174, entitled: "HOUSE RESOLUTION URGING THE BOARD OF NATUROPATHIC MEDICINE TO PERMIT NATUROPATHIC PHYSICIANS LICENSED PRIOR TO JANUARY 1, 2010, TO PERFORM PARENTERAL THERAPEUTICS," was jointly offered by Representatives Bertram, Brower, Hanohano, Evans, C. Lee, McKelvey and Nakashima.

H.R. No. 175, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT ADMINISTRATIVE RULES THAT WOULD REZONE MAUNALUA BAY AND DEMARCATE THE ZONES MORE VISIBLY TO IMPROVE SAFETY," was jointly offered by Representatives Ward, Finnegan, Hanohano, Manahan, Mizuno, Bertram, Ching, Choy, Evans, Har, Magaoay, McKelvey, Pine, Shimabukuro, Souki, Tsuji and Wooley.

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO ADDRESS THE ISSUE OF DETERMINING THE CAUSES OF ELDERLY ABUSE, DETERMINING BEST PRACTICES, AND ESTABLISHING A SENIOR LEGAL HELP LINE," was jointly offered by Representatives Pine, Awana, Berg, Brower, Ching, Evans, Hanohano, C. Lee, Manahan, Marumoto, Mizuno, Sagum, Thielen, Aquino, Bertram, Herkes, Keith-Agaran, Magaoay, McKelvey, Nishimoto, Rhoads, Souki, Takumi and Wakai.

H.R. No. 177, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO POST SIGNS INFORMING THE PUBLIC OF THE ILLEGALITY OF SHARK FEEDING AND TO AMEND ITS ADMINISTRATIVE RULES TO ENFORCE COMPLIANCE WITH SHARK FEEDING LAWS," was jointly offered by Representatives Berg, Coffman, Hanohano and Shimabukuro.

H.R. No. 178, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES PROHIBITING THE DELIBERATE OBSTRUCTION AND DESTRUCTION OF NATURAL SPRINGS," was jointly offered by Representatives Berg, Hanohano and Shimabukuro.

H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE THE PROHIBITION AGAINST SHARK FEEDING IN STATE MARINE WATERS," was jointly offered by Representatives Berg, Coffman, Hanohano, Marumoto and Shimabukuro.

H.R. No. 180, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT THE TETHERING OF ANY NON-DEPARTMENT OF LAND AND NATURAL RESOURCES SANCTIONED VESSEL TO A DEPARTMENT OF LAND AND NATURAL RESOURCES-INSTALLED BUOY OR MOORING WITHIN A MARINE LIFE CONSERVATION DISTRICT," was jointly offered by Representatives Berg, Hanohano and Shimabukuro.

H.R. No. 181, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO REVIEW THE EXISTING SYSTEM AND PROCEDURES FOR THE REVIEW AND PRESERVATION OF NATIVE HAWAIIAN BURIAL SITES, INCLUDING DETERMINING FAIR AND EFFECTIVE PENALTIES FOR PERSONS WHO NEGLIGENTLY OR INTENTIONALLY DAMAGE SUCH SITES," was jointly offered by Representatives Berg, Hanohano, Marumoto and Shimabukuro.

H.R. No. 182, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO REQUIRE EVIDENCE OF SUFFICIENT SPACE TO PARK A RECREATIONAL VEHICLE WHEN A PERSON APPLIES TO REGISTER THE VEHICLE," was jointly offered by Representatives C. Lee, Brower, Manahan, Morita, Takai, Aquino, Awana, Evans, Finnegan, Marumoto, McKelvey, Nishimoto, Pine, Shimabukuro and Wakai.

H.R. No. 183, entitled: "HOUSE RESOLUTION URGING VETERINARIANS PRACTICING IN HAWAII TO ALLOW ANIMAL OWNERS TO FILL PRESCRIPTIONS AT A PHARMACY OR OTHER ENTITY OF THEIR CHOICE," was jointly offered by Representatives C. Lee, Brower, Shimabukuro, Aquino, Awana, Evans, Finnegan, Marumoto, Morita, Nishimoto and Wakai.

H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was jointly offered by Representatives C. Lee, Aquino, Brower, Manahan, Morita, Nishimoto, Shimabukuro, Awana, Evans, Marumoto, McKelvey, Pine and Wakai.

H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ENFORCE PROHIBITIONS TO DETER PARKING IN BICYCLE PATHS," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Finnegan, Luke, Manahan, Marumoto, Morita, Nishimoto, Pine, Shimabukuro, Takai, Thielen, Evans, McKelvey and Wakai.

H.R. No. 186, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSIDER PUBLIC HEALTH AND SAFETY WHEN ISSUING PERMITS FOR COMMERCIAL WEDDING OR PHOTOGRAPHIC ACTIVITIES ON PUBLIC LANDS," was jointly offered by Representatives C. Lee, Awana, Brower, Morita, Pine, Shimabukuro, Thielen, Aquino, Evans, Manahan, Marumoto, Nishimoto and Wakai.

H.R. No. 187, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND THE ADVANCEMENT VIA INDIVIDUAL DETERMINATION (AVID) PROGRAM BY OFFERING MORE AVID ELECTIVE COURSES IN PUBLIC HIGH SCHOOLS," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Evans, Manahan, McKelvey, Morita, Pine, Shimabukuro, Takai, Thielen, Luke, Marumoto, Nishimoto and Wakai.

H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF INCREASING THE NUMBER OF INSTRUCTIONAL HOURS IN EACH SCHOOL DAY," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Finnegan, Luke, Manahan, Marumoto, McKelvey, Morita, Nishimoto, Pine, Shimabukuro, Takai, Thielen, Wakai and Evans.

H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO AMEND ITS RULES TO ALLOW AN OCCUPANT FACING EVICTION FROM A STATE-FUNDED HOMELESS SHELTER TO REMAIN IN THE SHELTER PENDING AN APPEAL OF THE EVICTION," was jointly offered by Representatives Shimabukuro, Awana and Wooley.

H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO EXEMPT THE ALA WAI AND KEEHI BOAT HARBORS FROM COUNTY ZONING AND BUILDING ORDINANCES," was jointly offered by Representatives Ito, Har, Magaoay, Chang and Chong.

H.R. No. 191, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was jointly offered by Representatives Yamane and Say.

H.R. No. 192, entitled: "HOUSE RESOLUTION STRONGLY URGING THE GOVERNOR, THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND THE HAWAII STATE TEACHERS ASSOCIATION TO REOPEN NEGOTIATIONS TO REDUCE FURLOUGH FRIDAYS," was jointly offered by Representatives Marumoto, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Ching, Coffman, Finnegan, Hanohano, Karamatsu, C. Lee, Magaoay, McKelvey, Mizuno, Nishimoto, Pine, Saiki, Say, Shimabukuro, Takai, Takumi, Thielen, Tsuji, Ward, Wooley, Yamashita, Aquino, Choy, Evans, Har, M. Lee, Luke, Nakashima, Sagum and Souki.

H.R. No. 193, entitled: "HOUSE RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was jointly offered by Representatives Cabanilla, McKelvey, Mizuno, Awana, Chong, M. Lee and Magaoay.

H.R. No. 194, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO PROVIDE ACADEMIC CREDIT OR SOME OTHER INCENTIVE OR PENALTY TO MOTIVATE STUDENTS TO TAKE THE ADEQUATE YEARLY PROGRESS TESTS SERIOUSLY," was offered by Representative Chong.

H.R. No. 195, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE MIGRATION OF WEALTH IN HAWAII AND ITS IMPACT ON TAX COLLECTIONS," was offered by Representative Finnegan.

H.R. No. 196, entitled: "HOUSE RESOLUTION CALLING FOR THE ESTABLISHMENT OF A TASK FORCE TO STUDY HOW COOPERATION BETWEEN THE PUBLIC AND PRIVATE SECTOR CAN FURTHER THE PURPOSES OF THE CLEAN WATER ACT," was jointly offered by Representatives Finnegan and Morita.

H.R. No. 197, entitled: "HOUSE RESOLUTION REQUESTING THE SMALL BUSINESS REGULATORY REVIEW BOARD AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO EXEMPT LOUVER JALOUSIE WINDOWS INSTALLED ON UNCONDITIONED BUILDINGS OR DWELLINGS THROUGH THE RULEMAKING PROCESS FROM THE STATEWIDE BUILDING CODE ESTABLISHED UNDER ACT 82, SESSION LAWS OF HAWAII 2007," was jointly offered by Representatives Thielen, McKelvey, Har and Sagum.

H.R. No. 198, entitled: "HOUSE RESOLUTION ENCOURAGING LOCAL NEWS ORGANIZATIONS TO DILIGENTLY ENFORCE COMMENT POSTING GUIDELINES ON THEIR ONLINE PUBLICATIONS," was offered by Representative Karamatsu.

H.R. No. 199, entitled: "HOUSE RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was jointly offered by Representatives Sagum, Manahan and Keith-Agaran.

H.R. No. 200, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was jointly offered by Representatives Takai, Evans, Ito, Karamatsu, M. Lee and McKelvey.

H.R. No. 201, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES TO ENFORCE THE BAN ON SHARK FEEDING FOR THE SAFETY OF THE PEOPLE OF HAWAII AND PRESERVATION OF ITS MARINE ECOSYSTEM," was jointly offered by Representatives Takai and Berg.

H.R. No. 202, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF VETERANS' SERVICES OF THE DEPARTMENT OF DEFENSE TO INCLUDE A SECTION DEDICATED TO VETERANS OF THE CONFLICTS IN IRAQ AND AFGHANISTAN IN THE HAWAII STATE VETERANS CEMETERY AND ALLOW FOR PHOTOS AND OTHER MEMORIAL OBJECTS OF VETERANS TO BE PLACED AT GRAVESITES IN THE HAWAII STATE VETERANS CEMETERY," was jointly offered by Representatives Takai, Evans, McKelvey and Saiki.

H.R. No. 203, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was offered by Representative M. Lee.

H.R. No. 204, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION," was offered by Representative Herkes, by request.

H.R. No. 205, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was jointly offered by Representatives Magaoay, Evans, B. Oshiro, Souki, Chong and Pine.

H.R. No. 206, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO ADOPT NUTRITIONAL GUIDELINES TO IMPROVE THE NUTRITIONAL QUALITY OF ALL SCHOOL MEALS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Takumi, Tsuji and Wooley.

H.R. No. 207, entitled: "HOUSE RESOLUTION SUPPORTING INCREASING FEDERAL REIMBURSEMENT RATES FOR SCHOOL MEALS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Takumi, Tsuji and Wooley.

H.R. No. 208, entitled: "HOUSE RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Tsuji and Wooley.

H.R. No. 209, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A WORKING GROUP TO DEVELOP A STRATEGY TO ATTRACT AND RETAIN LOCAL ENERGY SERVICE COMPANIES TO PERFORM WORK ON STATE CONTRACTS," was jointly offered by Representatives B. Oshiro, Coffman, Morita and Herkes.

H.R. No. 210, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CONDUCT A STUDY ON RETAIL WHEELING TO SUPPORT THE DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS TO MEET THE ELECTRICITY NEEDS OF RETAIL CUSTOMERS," was offered by Representative Coffman, by request.

H.R. No. 211, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EXPLORE THE FEASIBILITY OF RETAIL WHEELING THROUGH AN INVESTIGATIVE DOCKET," was jointly offered by Representatives Morita and Coffman.

H.R. No. 212, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AVAILABLE LITERATURE CONCERNING THE POTENTIAL OF INCREASED LIFETIME CANCER RISKS ASSOCIATED WITH CUMULATIVE RADIOACTIVE EXPOSURE AS A RESULT OF IMAGING PROCEDURES," was jointly offered by Representatives Belatti, Brower, Carroll, Shimabukuro, Bertram and Mizuno.

H.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE EFFECT OF INFORMATION CHARGING ON THE CRIMINAL JUSTICE SYSTEM IN THE STATE OF HAWAII," was jointly offered by Representatives Belatti, Brower, Hanohano, Keith-Agaran, C. Lee, Morita, Nishimoto, B. Oshiro, Rhoads, Shimabukuro, Takumi, Bertram, Cabanilla, Carroll, M. Lee, Luke, Magaoay, Mizuno and Nakashima.

H.R. No. 214, entitled: "HOUSE RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was jointly offered by Representatives McKelvey, Chong, Evans, Keith-Agaran, Ward, Yamashita and Choy.

H.R. No. 215, entitled: "HOUSE RESOLUTION REQUESTING THE HIGH TECHNOLOGY INNOVATION CORPORATION TO CREATE AN ENERGY INNOVATION AWARD," was jointly offered by Representatives McKelvey, Berg, Ching, Evans, Marumoto, Pine, Tsuji, Ward, Choy, Manahan and Wakai.

H.R. No. 216, entitled: "HOUSE RESOLUTION ENCOURAGING THE STATE OF HAWAII TO CONDUCT CULTURAL, EDUCATIONAL, AND SPORTS EXCHANGES WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA," was offered by Representative Brower.

H.R. No. 217, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO STUDY STRUCTURAL CHANGES AND PROCEDURES TO THE OFFICE OF THE LEGISLATIVE AUDITOR TO IMPROVE ACCOUNTABILITY AND INDEPENDENCE," was offered by Representative Finnegan.

H.R. No. 218, entitled: "HOUSE RESOLUTION RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE NUUANU SHOPPING PLAZA AND ITS UNIQUE TREES," was jointly offered by Representatives Ching, Berg, Cabanilla, Evans, Finnegan, Hanohano, Marumoto, McKelvey, Pine, Shimabukuro, Takumi, Wooley, Luke, B. Oshiro and Thielen.

H.R. No. 219, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO PRIORITIZE CACAO FOR THE PURPOSE OF ECONOMIC GROWTH AND JOB CREATION," was jointly offered by Representatives Ching, Brower, Cabanilla, Keith-Agaran, Magaoay, Marumoto, McKelvey, Pine, Aquino, Herkes, C. Lee, Luke, Mizuno, Morita, Souki and Ward.

H.R. No. 220, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION TO EXPLORE THE FEASIBILITY OF USING THE CLEANCEM PROCESS IN STATE PROCEDURES AND PROJECTS," was jointly offered by Representatives Ching, Marumoto, Pine, Aquino, Brower, Herkes, Keith-Agaran, C. Lee, Luke, Magaoay, McKelvey, Mizuno, Morita and Souki.

H.R. No. 221, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS," was jointly offered by Representatives Tsuji, Chang, Evans, Ito, Manahan, McKelvey, Morita, Souki, Wooley, Yamashita, Berg and Choy.

H.R. No. 222, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON THE MOST EFFECTIVE AND EFFICIENT METHODS FOR THE CONTROL AND REDUCTION OF THE FERAL PIG POPULATION STATEWIDE," was jointly offered by Representatives Tsuji, Chang and Ito.

H.R. No. 223, entitled: "HOUSE RESOLUTION URGING THE HAWAII DEPARTMENT OF AGRICULTURE NOT TO INSPECT OR RELEASE ANY AIRLINE CARGO OF AN AIRLINE THAT DOES NOT REGULARLY PAY THE INSPECTION, QUARANTINE, AND ERADICATION SERVICE FEE AND CHARGE FOR THAT CARGO," was jointly offered by Representatives Tsuji, Berg, Wooley, Chong, Choy, Evans, McKelvey, Yamane and Yamashita.

H.R. No. 224, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT AN EARLY WARNING SYSTEM KNOWN AS THE BLUE ALERT TO EXPEDITE THE APPREHENSION OF VIOLENT CRIMINALS WHO KILL OR SERIOUSLY WOUND COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT OFFICERS," was offered by Representative Hanohano.

H.R. No. 225, entitled: "HOUSE RESOLUTION URGING THE RENEGOTIATION OF LONG-TERM LEASES ON MOKAUEA ISLAND WITH PERSONS WHO RESIDE ON THE ISLAND AND AGREE TO PARTICIPATE IN AN EDUCATIONAL CENTER ON THE TRADITIONAL METHODS USED IN SELF-SUSTAINING HAWAIIAN FISHING VILLAGES," was jointly offered by Representatives Hanohano and Berg.

H.R. No. 226, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY PROVIDE A WRITTEN REPORT OF VIEWING TIME IN LIEU OF LEASE RENT AND FOR THE USE OF PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA," was jointly offered by Representatives Hanohano, Awana, Belatti, Berg, Brower, Carroll, Coffman, Evans, Marumoto, Mizuno, Morita, Pine, Shimabukuro, Souki, Takai, Wooley, Chong, Choy, Har, Keith-Agaran, C. Lee, McKelvey, Nakashima, Nishimoto, Sagum and Saiki.

H.R. No. 227, entitled: "HOUSE RESOLUTION RECOGNIZING TRADITIONAL HAWAIIAN TATTOOING AS AN ART FORM," was jointly offered by Representatives Awana, Berg, Carroll, Evans, Hanohano, Nishimoto, Rhoads, Sagum, Shimabukuro and Ward.

H.R. No. 228, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A HAWAII "APEC 2011 STRATEGIC PLANNING COMMISSION" TO FACILITATE THE NOVEMBER 2011 APEC CONFERENCE TO BE HELD IN HONOLULU," was jointly offered by Representatives Ward, Brower, Hanohano, Marumoto, Nakashima and Rhoads.

H.R. No. 229, entitled: "HOUSE RESOLUTION ENCOURAGING CELLULAR PHONE CARRIERS TO IMPLEMENT ONE-WAY CHARGES FOR CALLS ON THEIR NETWORKS," was jointly offered by Representatives Ward, Belatti, Brower, Carroll, C. Lee, McKelvey, Mizuno, Aquino, Awana, Evans, M. Lee and Magaoay.

H.R. No. 230, entitled: "HOUSE RESOLUTION REQUESTING KAMEHAMEHA SCHOOLS/BISHOP ESTATE TO KEEP KAMILO NUI VALLEY IN AGRICULTURAL LAND USE IN PERPETUITY AND TO ESTABLISH AFFORDABLE LEASE RENTS TO ALLOW FARMERS TO CONTINUE TO PRODUCE AGRICULTURAL CROPS AS A NATURAL RESOURCE INDUSTRY WHILE PROTECTING THE ESTABLISHED WATERSHED AND MINIMIZING THE FLOODING AND CONTAMINATION OF KUAPA POND," was jointly offered by Representatives Ward, by request, Brower, Hanohano, Marumoto and Nakashima.

H.R. No. 231, entitled: "HOUSE RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," was jointly offered by Representatives Har, Aquino, Chang, Coffman, Ito, Keith-Agaran, Magaoay, Manahan, McKelvey, Mizuno, Nakashima, Nishimoto, Shimabukuro, Takai, Takumi, Yamane, Yamashita, Chong, Evans, Herkes, C. Lee, M. Lee, Morita, Rhoads and Wooley.

H.R. No. 232, entitled: "HOUSE RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONTINUE WITH STREET REPAVEMENT, REPAIRS, AND TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET," was offered by Representative Mizuno.

H.R. No. 233, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATION POLICY FOR GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PERSONS," was jointly offered by Representatives Mizuno and Bertram.

H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF ALL COMMUNITY-BASED PROGRAMS AND SERVICES RECEIVING MEDICAID FUNDING OR SUBSIDIZING INDIVIDUALS ELIGIBLE FOR MEDICAID," was offered by Representative Mizuno.

H.R. No. 235, entitled: "HOUSE RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was offered by Representative B. Oshiro.

H.R. No. 236, entitled: "HOUSE RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING TEN PER CENT OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was jointly offered by Representatives B. Oshiro, Tsuji and Wooley.

H.R. No. 237, entitled: "HOUSE RESOLUTION ENCOURAGING PEACE CORPS WASHINGTON TO REOPEN PEACE CORPS EAST TIMOR," was jointly offered by Representatives Ward, Brower, Coffman, Hanohano, Marumoto and Rhoads.

H.R. No. 238, entitled: "HOUSE RESOLUTION COMMENDING PEACE CORPS INDONESIA FOR REOPENING IN MID-2010 AFTER FORTY-FIVE YEARS OF ABSENCE," was jointly offered by Representatives Ward, Brower, Coffman, Hanohano, Marumoto, Nakashima and Rhoads.

H.R. No. 239, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A CRISIS TURNAROUND TASK FORCE," was jointly offered by Representatives Ward, Brower, Hanohano, Marumoto and Nakashima.

H.R. No. 240, entitled: "HOUSE RESOLUTION REQUESTS THE OFFICE OF THE AUDITOR TO REVIEW AND COMPARE THE HEALTH CARE BENEFITS AVAILABLE UNDER THE MEDICAID PROGRAM, THE PREPAID HEALTH CARE ACT, AND THE HEALTH CARE PROGRAMS OF THE EMPLOYER-UNION TRUST FUND," was jointly offered by Representatives Mizuno and Brower.

H.R. No. 241, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," was jointly offered by Representatives Brower and Mizuno.

H.R. No. 242, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ESTABLISH A NATIONAL OCEAN POLICY AND CREATE A REGIONAL OCEAN PLANNING BOARD IN HAWAII, AND REQUESTING THE PRESIDENT AND THE UNITED STATES CONGRESS TO PROVIDE FEDERAL FUNDING FOR IMPLEMENTATION OF THE POLICY THROUGHOUT THE PACIFIC REGION," was offered by Representative McKelvey.

H.R. No. 243, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO RATIFY AND ADOPT THE UNITED NATIONS DECLARATION OF INDIGENOUS RIGHTS," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.R. No. 244, entitled: "HOUSE RESOLUTION SUPPORTING VOTER CAMPAIGNS AND POLITICAL FORUMS FOR THE CANDIDATES SEEKING POLITICAL OFFICE, INCLUDING SEATS ON THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES," was jointly offered by Representatives Carroll, Awana and C. Lee.

H.R. No. 245, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO PLACE A MORATORIUM ON ANY NEW PERMITS FOR OPEN WATER COMMERCIAL MARICULTURE FINFISH OPERATIONS," was jointly offered by Representatives Carroll and Awana.

H.R. No. 246, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO ADOPT NATIVE HAWAIIAN BUILDING CODES," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.R. No. 247, entitled: "HOUSE RESOLUTION SUPPORTING A FULL MORATORIUM ON ANY SALE, EXCHANGE, OR ALIENATION OF CROWN OR GOVERNMENT LANDS OF THE FORMER KINGDOM OF HAWAII, CURRENTLY HELD IN PUBLIC TRUST BY THE STATE OF HAWAII, UNTIL THE LEGAL CLAIMS OF NATIVE HAWAIIAN PEOPLES AGAINST THE UNITED STATES AND STATE OF HAWAII ARE COMPLETELY RESOLVED," was jointly offered by Representatives Carroll, Awana, Hanohano and C. Lee.

H.R. No. 248, entitled: "HOUSE RESOLUTION URGING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPLORE THE USE OF GROUND PENETRATING X-RAY AND GEOGRAPHICAL INFORMATION SYSTEM TECHNOLOGY TO DETERMINE WHETHER THE USE OF THESE TECHNOLOGIES IS FEASIBLE," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.R. No. 249, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING JURISDICTION OVER THE COORDINATION OF THE EVALUATION AND MANAGEMENT OF BURIAL SITES OF NATIVE HAWAIIAN ORIGIN FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE OFFICE OF HAWAIIAN AFFAIRS," was jointly offered by Representatives Carroll and Awana.

H.R. No. 250, entitled: "HOUSE RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE OFFICE OF HAWAIIAN AFFAIRS TO WORK TOGETHER TO ADDRESS AND CLARIFY THE TERM "BURIAL SITE"," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.R. No. 251, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVISE ITS PRESENT POLICIES ON MATTERS OF SUCCESSORSHIP," was jointly offered by Representatives Carroll, Awana and C. Lee.

H.R. No. 252, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO WORK WITH THE TARO SECURITY AND PURITY TASK FORCE TO IDENTIFY TARO LANDS AND DEVELOP POLICIES TO PROMOTE TARO FARMING," was jointly offered by Representatives Carroll, Awana, Hanohano, C. Lee and Nakashima.

H.R. No. 253, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO LEASE AVAILABLE LANDS FOR COMMERCIAL OR INDUSTRIAL USES TO NON-HAWAIIANS AT MARKET RATES," was jointly offered by Representatives Carroll and Awana.

H.R. No. 254, entitled: "HOUSE RESOLUTION REQUESTING THE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COMPLETE A STATEWIDE SURVEY AND INVENTORY TO IDENTIFY AND DOCUMENT HISTORIC PROPERTIES, AVIATION, ARTIFACTS, AND BURIAL SITES, WITH AN EMPHASIS ON HISTORIC PRESERVATION RELATING TO THE CULTURE AND HISTORY OF HAWAIIANS AND NATIVE HAWAIIANS," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OWNER OF THE HONOLULU STAR-BULLETIN TO PROVIDE SUFFICIENT TIME TO FIND A NEW OWNER FOR THE NEWSPAPER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was jointly offered by Representatives Takumi, Aquino, Awana, Belatti, Berg, Brower, Hanohano, Keith-Agaran, C. Lee, Luke, Mizuno, Morita, Nishimoto, M. Oshiro, Pine, Shimabukuro, Takai, Wakai, Ward, Chong, Evans, Marumoto, Nakashima and Souki.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EXAMINE OVERLAP AND CONFLICTS AMONG STATUTES RELATING TO PATIENT CARE DIRECTIVES RECOGNIZED IN HAWAII, INCLUDING PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT, "DO NOT RESUSCITATE" ORDERS, AND ADVANCE HEALTH CARE DIRECTIVES," was jointly offered by Representatives B. Oshiro, Nishimoto and Yamane.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF NATUROPATHIC MEDICINE TO MAKE RULES CONSISTENT WITH ACT 222, SPECIAL SESSION LAWS OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM PARENTERAL THERAPY," was jointly offered by Representatives Brower, Awana, Berg, Evans, Hanohano, Mizuno, Morita, Shimabukuro, Souki, Keith-Agaran, C. Lee, Luke, Nakashima, Nishimoto and Wakai.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE TO BE PLACED ON MILLER STREET ADJACENT TO WASHINGTON PLACE, FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was jointly offered by Representatives Luke and Har.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE REPUBLIC OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS, TO CEASE DISCRIMINATION AGAINST THE ECUMENICAL PATRIARCHATE, TO GRANT THE ECUMENICAL PATRIARCH APPROPRIATE ECUMENICAL RECOGNITION, ECCLESIASTIC SUCCESSION, AND THE RIGHT TO TRAIN CLERGY OF ALL NATIONALITIES, AND TO RESPECT THE PROPERTY RIGHTS, HUMAN RIGHTS, AND RELIGIOUS RIGHTS OF THE ECUMENICAL PATRIARCHATE," was jointly offered by Representatives Luke and Berg.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FACILITATE MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT COMMERCIAL USE PERMIT REVISION AND REISSUANCE BY CONSULTING AND PROVIDING ADVANCED NOTICE TO PERMITTEES," was offered by Representative Ito.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT TO THE LEGISLATURE REVIEWING WORKFORCE HOUSING IN KAKAAKO MAUKA," was offered by Representative Ito.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," was offered by Representative Manahan.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was offered by Representative Manahan.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONSIDER THE CONCERNS AND ISSUES RAISED WITH REGARD TO THE AUTONOMY OF THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT," was offered by Representative Manahan.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, ENMPLOYMENT [*sic*], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was jointly offered by Representatives Mizuno and Brower.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE COMMITTEE ON HUMAN SERVICES TO CONVENE A WORKING GROUP TO FURTHER STUDY RECOMMENDATIONS MADE BY THE SR 10 WORKING GROUP COMMITTEES," was offered by Representative Mizuno.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DISSEMINATE INFORMATION, INCLUDING VACCINES FOR FEMALES BETWEEN THE AGES OF 9 TO 26 YEARS, TO BETTER PREVENT AND ERADICATE CERVICAL CANCER CASES IN HAWAI`I ," was jointly offered by Representatives Marumoto, Aquino, Awana, Belatti, Berg, Evans, Hanohano, C. Lee, Luke, Mizuno, Morita, Pine, Shimabukuro, Thielen, Wooley and Cabanilla.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO HASTEN ITS EFFORTS TO ADOPT ADMINISTRATIVE RULES TO ENABLE THE IMPLEMENTATION OF THE LAW GOVERNING CHARTER SCHOOLS," was offered by Representative Takumi.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST," was jointly offered by Representatives Awana, Aquino, Cabanilla, Evans, Manahan, McKelvey, Herkes, Tsuji and Wakai.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was jointly offered by Representatives Evans, Coffman, McKelvey, Tsuji, Wakai, Choy, Herkes and Manahan.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS OF THE UNITED STATES DEPARTMENT OF DEFENSE TO REVISE THE PRIORITIES FOR ACCESS TO HEALTH CARE AT MILITARY HEALTH FACILITIES TO GIVE MEMBERS OF THE NATIONAL GUARD WHO ARE INJURED IN ANY DUTY STATUS THE SAME PRIORITY AS ACTIVE DUTY MILITARY MEMBERS," was jointly offered by Representatives Evans, McKelvey, Tsuji, Choy, Manahan, Wakai and Ward.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A MOPED TASK FORCE TO EXPLORE THE FEASIBILITY OF CLASSIFYING MOPEDS LIKE MOTORCYCLES IN CERTAIN INSTANCES," was jointly offered by Representatives Ching, Finnegan, Marumoto, Pine, Thielen, Ward and Takumi.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN ILLEGAL MOPED HOTLINE," was jointly offered by Representatives Ching, Marumoto, Pine and Ward.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT EACH COUNTY ESTABLISH AN ILLEGAL FIREWORKS HOTLINE PROGRAM," was jointly offered by Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION CONDUCT A STUDY ON THE IMPLEMENTATION AND EXECUTION OF A FLEXIBLE LIGHT RAIL SYSTEM IN HONOLULU," was jointly offered by Representatives Ching and Thielen.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was jointly offered by Representatives Morita, Coffman, Herkes, Cabanilla, Ito and Sagum.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING KAMEHAMEHA SCHOOLS BISHOP ESTATE TO KEEP KAMILO NUI VALLEY IN AGRICULTURAL LAND USE AND TO RENEGOTIATE AFFORDABLE LEASE RENTS TO ALLOW EXISTING FARMERS TO REMAIN ON THEIR FARM LOTS UNTIL 2025," was jointly offered by Representatives Ward, Brower, Cabanilla, Ching, McKelvey, Mizuno, Aquino, Belatti, Evans, Herkes, Keith-Agaran, Magaoay, Souki, Thielen and Wakai.

H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO MAKE TOP PRIORITY PROJECTS THE INSTALLATION OF A LEFT-TURN-ONLY LANE ON KALANIANAOLE HIGHWAY KOKO HEAD-BOUND INTO THE KOKO MARINA SHOPPING CENTER AND THE INSTALLATION OF A SECOND RIGHT-TURN LANE FROM LUNALILO HOME ROAD EWA-BOUND ONTO KALANIANAOLE HIGHWAY," was jointly offered by Representatives Ward, McKelvey, Aquino, Belatti, Cabanilla, Choy, Evans, Keith-Agaran, Mizuno, Sagum, Souki and Wakai.

[Note: The following House Concurrent Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF THE PROFESSION OF MUSIC THERAPY," was offered by Representative Aquino.

H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO DRAFT RECOMMENDATIONS ON REASONABLE RESTRICTIONS ON FLYING THE UNITED STATES AND STATE FLAG WITHIN PLANNED COMMUNITY ASSOCIATIONS AND CONDOMINIUMS," was jointly offered by Representatives Cabanilla, Awana, Chong, Ito, Mizuno, C. Lee, Morita and Sagum.

H.C.R. No. 235, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENL ETHER (DECABDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES," was offered by Representative Yamane.

H.C.R. No. 236, entitled: "HOUSE CONCURRENT RESOLUTION INVESTIGATING ALLEGED IMPROPRIETIES IN THE DEPARTMENT OF TRANSPORTATION'S AWARDING OF THE HONOLULU INTERNATIONAL AIRPORT'S WIKI WIKI SHUTTLE SERVICE CONTRACT," was offered by Representative M. Oshiro.

H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ECONOMIC STIMULUS OVERSIGHT COMMISSION TO EXPAND ITS MONITORING OF FEDERAL STIMULUS FUNDS AVAILABLE TO HAWAII," was offered by Representative M. Oshiro, by request.

H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," was jointly offered by Representatives Chang, Herkes, Nakashima, Sagum and Takumi.

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF A PROPOSAL TO REGULATE ATHLETIC TRAINERS," was jointly offered by Representatives Chang, Herkes, Sagum and Takumi.

H.C.R. No. 240, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO REPORT ON THE FEASIBILITY OF PROVIDING WI-FI INTERNET ACCESS ON SCHOOL BUSES," was jointly offered by Representatives Evans, Coffman, Herkes, M. Lee, Takai, Takumi, Keith-Agaran and McKelvey.

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE TO EVALUATE THE IMPLEMENTATION OF PARIMUTUEL WAGERING ON HORSE RACING," was offered by Representative Say, by request.

H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was jointly offered by Representatives Manahan, Cabanilla, Chang, Ching, Chong, Say and Yamane.

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO MAKE THE HALEAKALA TRAIL AVAILABLE TO THE PEOPLE OF HAWAII," was jointly offered by Representatives Bertram, Brower, Evans, Hanohano, Nakashima, Keith-Agaran, McKelvey and C. Lee.

H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A LOʻI BE ESTABLISHED ON THE GROUNDS OF THE STATE CAPITOL," was jointly offered by Representatives Bertram, Brower, Carroll, Evans, Hanohano, McKelvey, Mizuno, Shimabukuro, Keith-Agaran, C. Lee, Nakashima and Yamashita.

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS WITH THE ASSISTANCE OF THE BERNICE PAUAHI BISHOP MUSEUM TO DEVELOP A PLAN TO IMPLEMENT REPLICAS OF HAWAIIAN HALE ON THE STATE CAPITOL LAWN SURROUNDED BY TROPICAL FOLIAGE FOR REST AREAS," was jointly offered by Representatives Bertram, Brower, Carroll, Evans, Hanohano, Keith-Agaran, McKelvey, Mizuno, Nakashima, Shimabukuro, Yamashita and Souki.

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO ESTABLISH A POLICY OF NONDISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES," was jointly offered by Representatives Bertram, Berg, Brower, Hanohano, C. Lee, McKelvey, Mizuno, B. Oshiro, Evans and Nakashima.

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT ADMINISTRATIVE RULES THAT WOULD REZONE MAUNALUA BAY AND DEMARCATE THE ZONES MORE VISIBLY TO IMPROVE SAFETY," was jointly offered by Representatives Ward, Finnegan, Hanohano, Manahan, Mizuno, Bertram, Ching, Choy, Evans, Har, Magaoay, McKelvey, Pine, Shimabukuro, Souki, Tsuji and Wooley.

H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO ADDRESS THE ISSUE OF DETERMINING THE CAUSES OF ELDERLY ABUSE, DETERMINING BEST PRACTICES, AND ESTABLISHING A SENIOR LEGAL HELP LINE," was jointly offered by Representatives Pine, Awana, Berg, Brower, Ching, Evans, Hanohano, C. Lee, Manahan, Marumoto, Mizuno, Sagum, Thielen, Aquino, Bertram, Herkes, Keith-Agaran, Magaoay, McKelvey, Nishimoto, Rhoads, Souki, Takumi and Wakai.

H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO POST SIGNS INFORMING THE PUBLIC OF THE ILLEGALITY OF SHARK FEEDING AND TO AMEND ITS ADMINISTRATIVE RULES TO ENFORCE COMPLIANCE WITH SHARK FEEDING LAWS," was jointly offered by Representatives Berg, Coffman, Hanohano and Shimabukuro.

H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES PROHIBITING THE DELIBERATE OBSTRUCTION AND DESTRUCTION OF NATURAL SPRINGS," was jointly offered by Representatives Berg, Coffman, Hanohano and Shimabukuro.

H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE THE PROHIBITION AGAINST SHARK FEEDING IN STATE MARINE WATERS," was jointly offered by Representatives Berg, Coffman, Hanohano, Marumoto and Shimabukuro.

H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT THE TETHERING OF ANY NON-DEPARTMENT OF LAND AND NATURAL RESOURCES SANCTIONED VESSEL TO A DEPARTMENT OF LAND AND NATURAL RESOURCES-INSTALLED BUOY OR MOORING WITHIN A MARINE LIFE CONSERVATION DISTRICT," was jointly offered by Representatives Berg, Coffman, Hanohano and Shimabukuro.

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A WORKING GROUP TO REVIEW THE EXISTING SYSTEM AND PROCEDURES FOR THE REVIEW AND PRESERVATION OF NATIVE HAWAIIAN BURIAL SITES, INCLUDING DETERMINING FAIR AND EFFECTIVE PENALTIES FOR PERSONS WHO NEGLIGENTLY OR INTENTIONALLY DAMAGE SUCH SITES," was jointly offered by Representatives Berg, Coffman, Hanohano, Marumoto and Shimabukuro.

H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO REQUIRE EVIDENCE OF SUFFICIENT SPACE TO PARK A RECREATIONAL VEHICLE WHEN A PERSON APPLIES TO REGISTER THE VEHICLE," was jointly offered by Representatives C. Lee, Brower, Manahan, Morita, Takai, Aquino, Awana, Evans, Finnegan, Marumoto, McKelvey, Nishimoto, Pine, Shimabukuro and Wakai.

H.C.R. No. 255, entitled: "HOUSE CONCURRENT RESOLUTION URGING VETERINARIANS PRACTICING IN HAWAII TO ALLOW ANIMAL OWNERS TO FILL PRESCRIPTIONS AT A PHARMACY OR OTHER ENTITY OF THEIR CHOICE," was jointly offered by Representatives C. Lee, Brower, Shimabukuro, Aquino, Awana, Evans, Marumoto, Morita, Nishimoto, Pine and Wakai.

H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was jointly offered by Representatives C. Lee, Aquino, Brower, Manahan, Morita, Nishimoto, Shimabukuro, Awana, Evans, McKelvey, Pine and Wakai.

H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ENFORCE PROHIBITIONS TO DETER PARKING IN BICYCLE PATHS," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Finnegan, Luke, Manahan, Marumoto, Morita, Nishimoto, Shimabukuro, Takai, Thielen, Evans, McKelvey, Pine and Wakai.

H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSIDER PUBLIC HEALTH AND SAFETY WHEN ISSUING PERMITS FOR COMMERCIAL WEDDING OR PHOTOGRAPHIC ACTIVITIES ON PUBLIC LANDS," was jointly offered by Representatives C. Lee, Awana, Brower, Morita, Shimabukuro, Thielen, Aquino, Evans, Luke, Manahan, Marumoto, Nishimoto, Pine and Wakai.

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND THE ADVANCEMENT VIA INDIVIDUAL DETERMINATION (AVID) PROGRAM BY OFFERING MORE AVID ELECTIVE COURSES IN PUBLIC HIGH SCHOOLS," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Evans, Manahan, McKelvey, Morita, Pine, Shimabukuro, Takai, Thielen, Luke, Marumoto, Nishimoto and Wakai.

H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF INCREASING THE NUMBER OF INSTRUCTIONAL HOURS IN EACH SCHOOL DAY," was jointly offered by Representatives C. Lee, Aquino, Awana, Brower, Finnegan, Luke, Manahan, Marumoto, McKelvey, Morita, Nishimoto, Pine, Shimabukuro, Takai, Thielen, Wakai and Evans.

H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO AMEND ITS RULES TO ALLOW AN OCCUPANT FACING EVICTION FROM A STATE-FUNDED HOMELESS SHELTER TO REMAIN IN THE SHELTER PENDING AN APPEAL OF THE EVICTION," was jointly offered by Representatives Shimabukuro, Awana and Wooley.

H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was jointly offered by Representatives Shimabukuro, Awana, Keith-Agaran and Wooley.

H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO EXEMPT THE ALA WAI AND KEEHI BOAT HARBORS FROM COUNTY ZONING AND BUILDING ORDINANCES," was jointly offered by Representatives Ito, Chang, Har, Magaoay and Chong.

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EVALUATE THE STATE'S INVENTORY OF LANDS TO IDENTIFY PARCELS THAT CAN BE SOLD IN 2011," was jointly offered by Representatives Ito, Chang, Har, Chong and Magaoay.

H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was jointly offered by Representatives Say, Ito and Magaoay.

H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was jointly offered by Representatives Yamane and Say.

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR, THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND THE HAWAII STATE TEACHERS ASSOCIATION TO REOPEN NEGOTIATIONS TO REDUCE FURLOUGH FRIDAYS," was jointly offered by Representatives Marumoto, Awana, Belatti, Berg, Brower, Cabanilla, Carroll, Ching, Coffman, Finnegan, Hanohano, C. Lee, Magaoay, McKelvey, Mizuno, Morita, Nishimoto, Pine, Saiki, Say, Shimabukuro, Takai, Takumi, Thielen, Tsuji, Ward, Wooley, Yamashita, Aquino, Bertram, Choy, Evans, Har, Herkes, M. Lee, Luke, Nakashima, Sagum and Souki.

H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," was jointly offered by Representatives Cabanilla, McKelvey, Mizuno, Awana, Chong and Magaoay.

H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG," was offered by Representative Cabanilla.

H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO PROVIDE ACADEMIC CREDIT OR SOME OTHER INCENTIVE OR PENALTY TO MOTIVATE STUDENTS TO TAKE THE ADEQUATE YEARLY PROGRESS TESTS SERIOUSLY," was offered by Representative Chong.

H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," was jointly offered by Representatives Chong, Mizuno, Souki and Yamashita.

H.C.R. No. 272, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO RECOMMEND A PROCESS TO CREATE A CITIZEN ROAD WATCH PROGRAM," was jointly offered by Representatives Chong, Souki and Yamashita.

H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE MIGRATION OF WEALTH IN HAWAII AND ITS IMPACT ON TAX COLLECTIONS," was offered by Representative Finnegan.

H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE ESTABLISHMENT OF A TASK FORCE TO STUDY HOW COOPERATION BETWEEN THE PUBLIC AND PRIVATE SECTOR CAN FURTHER THE PURPOSES OF THE CLEAN WATER ACT," was jointly offered by Representatives Finnegan and Morita.

H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SMALL BUSINESS REGULATORY REVIEW BOARD AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO EXEMPT LOUVER JALOUSIE WINDOWS INSTALLED ON UNCONDITIONED BUILDINGS OR DWELLINGS THROUGH THE RULEMAKING PROCESS FROM THE STATEWIDE BUILDING CODE ESTABLISHED UNDER ACT 82, SESSION LAWS OF HAWAII 2007," was jointly offered by Representatives Thielen, McKelvey, Har and Sagum.

H.C.R. No. 276, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING LOCAL NEWS ORGANIZATIONS TO DILIGENTLY ENFORCE COMMENT POSTING GUIDELINES ON THEIR ONLINE PUBLICATIONS," was offered by Representative Karamatsu.

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was jointly offered by Representatives Sagum, Manahan and Keith-Agaran.

H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was jointly offered by Representatives Takai, Evans, Ito, Karamatsu, M. Lee and McKelvey.

H.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT RULES TO ENFORCE THE BAN ON SHARK FEEDING FOR THE SAFETY OF THE PEOPLE OF HAWAII AND PRESERVATION OF ITS MARINE ECOSYSTEM," was jointly offered by Representatives Takai and Berg.

H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF VETERANS' SERVICES OF THE DEPARTMENT OF DEFENSE TO INCLUDE A SECTION DEDICATED TO VETERANS OF THE CONFLICTS IN IRAQ AND AFGHANISTAN IN THE HAWAII STATE VETERANS CEMETERY AND ALLOW FOR PHOTOS AND OTHER MEMORIAL OBJECTS OF VETERANS TO BE PLACED AT GRAVESITES IN THE HAWAII STATE VETERANS CEMETERY," was jointly offered by Representatives Takai, Evans, McKelvey and Saiki.

H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was offered by Representative M. Lee.

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION," was offered by Representative Herkes, by request.

H.C.R. No. 283, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS," was offered by Representative Herkes.

H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UNDERTAKE PLANNING ACTIVITIES WITH RESPECT TO A NEW STADIUM ON OAHU AND RELATED MATTERS," was jointly offered by Representatives Chang, Hanohano, Magaoay, Souki, Ching, Pine, Takumi and Yamane.

H.C.R. No. 285, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO ADOPT NUTRITIONAL GUIDELINES TO IMPROVE THE NUTRITIONAL QUALITY OF ALL SCHOOL MEALS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Takumi, Tsuji and Wooley.

H.C.R. No. 286, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING INCREASING FEDERAL REIMBURSEMENT RATES FOR SCHOOL MEALS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Takumi, Tsuji and Wooley.

H.C.R. No. 287, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," was jointly offered by Representatives B. Oshiro, Berg, Takai, Tsuji and Wooley.

H.C.R. No. 288, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A WORKING GROUP TO DEVELOP A STRATEGY TO ATTRACT AND RETAIN LOCAL ENERGY SERVICE COMPANIES TO PERFORM WORK ON STATE CONTRACTS," was jointly offered by Representatives B. Oshiro, Coffman, Morita and Herkes.

H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING TEN PER CENT OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was jointly offered by Representatives B. Oshiro, Tsuji and Wooley.

H.C.R. No. 290, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO CONSIDER LEASING OR RENTING PUBLIC SCHOOL CAFETERIAS TO VALUE-ADDED FOOD PROCESSORS TO PROMOTE THE USE OF LOCALLY-GROWN FRESH PRODUCE IN SCHOOL MEALS," was jointly offered by Representatives B. Oshiro, Tsuji, Wooley, Yamane and Herkes.

H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CONDUCT A STUDY ON RETAIL WHEELING TO SUPPORT THE DEVELOPMENT OF RENEWABLE ENERGY SYSTEMS TO MEET THE ELECTRICITY NEEDS OF RETAIL CUSTOMERS," was offered by Representative Coffman, by request.

H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT AND SUPPORTING DOCUMENTATION FOR THE TRANSFER OF THE MAUNA KEA STATE RECREATION AREA AND THE HAPUNA BEACH STATE RECREATION AREA TO THE COUNTY OF HAWAII," was jointly offered by Representatives Chang, Coffman, Hanohano, Herkes, Nakashima and Tsuji.

H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EXPLORE THE FEASIBILITY OF RETAIL WHEELING THROUGH AN INVESTIGATIVE DOCKET," was jointly offered by Representatives Morita and Coffman.

H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY AVAILABLE LITERATURE CONCERNING THE POTENTIAL OF INCREASED LIFETIME CANCER RISKS ASSOCIATED WITH CUMULATIVE RADIOACTIVE EXPOSURE AS A RESULT OF IMAGING PROCEDURES," was jointly offered by Representatives Belatti, Brower, Carroll, Shimabukuro, Bertram and Mizuno.

H.C.R. No. 295, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE EFFECT OF INFORMATION CHARGING ON THE CRIMINAL JUSTICE SYSTEM IN THE STATE OF HAWAII," was jointly offered by Representatives Belatti, Brower, Hanohano, Keith-Agaran, C. Lee, Morita, Nishimoto, B. Oshiro, Rhoads, Shimabukuro, Takumi, Bertram, Cabanilla, Carroll, M. Lee, Luke, Magaoay, Mizuno and Nakashima.

H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROPERLY FUND THE SMALL BUSINESS REGULATORY REVIEW BOARD UNDER THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SUPPORT HAWAII'S SMALL BUSINESSES," was jointly offered by Representatives Herkes, Evans, McKelvey, Rhoads, Ward, Yamashita and Choy.

H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was jointly offered by Representatives McKelvey, Chong, Evans, Keith-Agaran, Ward, Yamashita and Choy.

H.C.R. No. 298, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY INNOVATION CORPORATION TO CREATE AN ENERGY INNOVATION AWARD," was jointly offered by Representatives McKelvey, Berg, Ching, Evans, Marumoto, Pine, Tsuji, Ward, Choy, Manahan and Wakai.

H.C.R. No. 299, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION OF THE COUNTY OF MAUI TO ESTABLISH A PROGRAM TO RAISE AWARENESS OF THE EFFECTS OF SPEEDING AND THE IMPORTANCE OF ABIDING BY SPEED LIMITS," was offered by Representative McKelvey, by request.

H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE STATE OF HAWAII TO CONDUCT CULTURAL, EDUCATIONAL, AND SPORTS EXCHANGES WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA," was offered by Representative Brower.

H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY STRUCTURAL CHANGES AND PROCEDURES TO THE OFFICE OF THE LEGISLATIVE AUDITOR TO IMPROVE ACCOUNTABILITY AND INDEPENDENCE," was offered by Representative Finnegan.

H.C.R. No. 302, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE NUUANU SHOPPING PLAZA AND ITS UNIQUE TREES," was jointly offered by Representatives Ching, Berg, Cabanilla, Evans, Finnegan, Hanohano, Marumoto, McKelvey, Pine, Shimabukuro, Takumi, Wooley, Luke, B. Oshiro and Thielen.

H.C.R. No. 303, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PRIORITIZE CACAO FOR THE PURPOSE OF ECONOMIC GROWTH AND JOB CREATION," was jointly offered by Representatives Ching, Brower, Cabanilla, Keith-Agaran, Magaoay, Marumoto, McKelvey, Pine, Aquino, Herkes, C. Lee, Luke, Mizuno, Morita, Souki and Ward.

H.C.R. No. 304, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF TRANSPORTATION TO EXPLORE THE FEASIBILITY OF USING THE CLEANCEM PROCESS IN STATE PROCEDURES AND PROJECTS," was jointly offered by Representatives Ching, Marumoto, Pine, Aquino, Brower, Herkes, Keith-Agaran, C. Lee, Luke, Magaoay, McKelvey, Mizuno, Morita and Souki.

H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS," was jointly offered by Representatives Tsuji, Berg, Chang, Evans, Ito, Manahan, McKelvey, Morita, Souki, Wooley, Yamashita and Choy.

H.C.R. No. 306, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON THE MOST EFFECTIVE AND EFFICIENT METHODS FOR THE CONTROL AND REDUCTION OF THE FERAL PIG POPULATION STATEWIDE," was jointly offered by Representatives Tsuji, Chang and Ito.

H.C.R. No. 307, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII DEPARTMENT OF AGRICULTURE NOT TO INSPECT OR RELEASE ANY AIRLINE CARGO OF AN AIRLINE THAT DOES NOT REGULARLY PAY THE INSPECTION, QUARANTINE, AND ERADICATION SERVICE FEE AND CHARGE FOR THAT CARGO," was jointly offered by Representatives Tsuji, Berg, Wooley, Chong, Choy, Evans, McKelvey, Yamane and Yamashita.

H.C.R. No. 308, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ECONOMIC AND ENVIRONMENTAL IMPACTS ON BUSINESSES AND COMMUNITIES AS A RESULT OF THE REDUCTION IN SERVICES PROVIDED BY THE DEPARTMENT OF AGRICULTURE'S PLANT QUARANTINE BRANCH AND COMMODITIES BRANCH STATEWIDE," was offered by Representative Tsuji.

H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO IMPLEMENT AN EARLY WARNING SYSTEM KNOWN AS THE BLUE ALERT TO EXPEDITE THE APPREHENSION OF VIOLENT CRIMINALS WHO KILL OR SERIOUSLY WOUND COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT OFFICERS," was offered by Representative Hanohano.

H.C.R. No. 310, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RENEGOTIATION OF LONG-TERM LEASES ON MOKAUEA ISLAND WITH PERSONS WHO RESIDE ON THE ISLAND AND AGREE TO PARTICIPATE IN AN EDUCATIONAL CENTER ON THE TRADITIONAL METHODS USED IN SELF-SUSTAINING HAWAIIAN FISHING VILLAGES," was jointly offered by Representatives Hanohano and Berg.

H.C.R. No. 311, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY PROVIDE A WRITTEN REPORT OF VIEWING TIME IN LIEU OF LEASE RENT AND FOR THE USE OF PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA," was jointly offered by Representatives Hanohano, Awana, Belatti, Berg, Brower, Carroll, Coffman, Evans, Marumoto, Mizuno, Morita, Pine, Shimabukuro, Souki, Takai, Wooley, Chong, Choy, Har, Keith-Agaran, C. Lee, McKelvey, Nakashima, Nishimoto, Sagum and Saiki.

H.C.R. No. 312, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL BRANCHES OF STATE GOVERNMENT AND ALL AGENCIES OF COUNTY GOVERNMENTS TO MAKE GOVERNMENT RECORDS AVAILABLE IN DIGITIZED FORM READABLE BY SOFTWARE AND HARDWARE FOR THE BLIND AND VISUALLY IMPAIRED AND TO PROVIDE PUBLIC EMPLOYEES AND THE PUBLIC WITH THE SOFTWARE AND HARDWARE NECESSARY TO DIGITIZE AND READ PUBLIC RECORDS," was offered by Representative Tokioka.

H.C.R. No. 313, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING TRADITIONAL HAWAIIAN TATTOOING AS AN ART FORM," was jointly offered by Representatives Awana, Berg, Carroll, Evans, Hanohano, Nishimoto, Rhoads, Sagum, Shimabukuro and Ward.

H.C.R. No. 314, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO DEVELOP A VOUCHER SYSTEM FOR THE COLLECTION OF USED TIRES TO ADDRESS ILLEGAL DUMPING," was jointly offered by Representatives Awana, Hanohano, Rhoads, Carroll and Ward.

H.C.R. No. 315, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SEEK AND GATHER INPUT ON REVENUE GENERATING INITIATIVES FROM ITS BENEFICIARIES," was jointly offered by Representatives Awana, Hanohano, Rhoads, Berg and Ward.

H.C.R. No. 316, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," was jointly offered by Representatives Har, Aquino, Chang, Coffman, Herkes, Ito, Karamatsu, Keith-Agaran, Magaoay, McKelvey, Mizuno, Nakashima, Nishimoto, Shimabukuro, Takai, Takumi, Yamane, Yamashita, Carroll, Chong, Evans, C. Lee, M. Lee, Manahan, Morita, Rhoads and Wooley.

H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONTINUE WITH STREET REPAVEMENT, REPAIRS, AND TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET," was offered by Representative Mizuno.

H.C.R. No. 318, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATION POLICY FOR GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PERSONS," was jointly offered by Representatives Mizuno and Bertram.

H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF ALL COMMUNITY-BASED PROGRAMS AND SERVICES RECEIVING MEDICAID FUNDING OR SUBSIDIZING INDIVIDUALS ELIGIBLE FOR MEDICAID," was offered by Representative Mizuno.

H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was offered by Representative B. Oshiro.

H.C.R. No. 321, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTS THE OFFICE OF THE AUDITOR TO REVIEW AND COMPARE THE HEALTH CARE BENEFITS AVAILABLE UNDER THE MEDICAID PROGRAM, THE PREPAID HEALTH CARE ACT, AND THE HEALTH CARE PROGRAMS OF THE EMPLOYER-UNION TRUST FUND," was jointly offered by Representatives Mizuno and Brower.

H.C.R. No. 322, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," was jointly offered by Representatives Brower and Mizuno.

H.C.R. No. 323, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ESTABLISH A NATIONAL OCEAN POLICY AND CREATE A REGIONAL OCEAN PLANNING BOARD IN HAWAII, AND REQUESTING THE PRESIDENT AND THE UNITED STATES CONGRESS TO PROVIDE FEDERAL FUNDING FOR IMPLEMENTATION OF THE POLICY THROUGHOUT THE PACIFIC REGION," was offered by Representative McKelvey.

H.C.R. No. 324, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RATIFY AND ADOPT THE UNITED NATIONS DECLARATION OF INDIGENOUS RIGHTS," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 325, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING VOTER CAMPAIGNS AND POLITICAL FORUMS FOR THE CANDIDATES SEEKING POLITICAL OFFICE, INCLUDING SEATS ON THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES," was jointly offered by Representatives Carroll, Awana and C. Lee.

H.C.R. No. 326, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO PLACE A MORATORIUM ON ANY NEW PERMITS FOR OPEN WATER COMMERCIAL MARICULTURE FINFISH OPERATIONS," was jointly offered by Representatives Carroll and Awana.

H.C.R. No. 327, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO ADOPT NATIVE HAWAIIAN BUILDING CODES," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 328, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FULL MORATORIUM ON ANY SALE, EXCHANGE, OR ALIENATION OF CROWN OR GOVERNMENT LANDS OF THE FORMER KINGDOM OF HAWAII, CURRENTLY HELD IN PUBLIC TRUST BY THE STATE OF HAWAII, UNTIL THE LEGAL CLAIMS OF NATIVE HAWAIIAN PEOPLES AGAINST THE UNITED STATES AND STATE OF HAWAII ARE COMPLETELY RESOLVED," was jointly offered by Representatives Carroll, Hanohano, C. Lee and Awana.

H.C.R. No. 329, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPLORE THE USE OF GROUND PENETRATING X-RAY AND GEOGRAPHICAL INFORMATION SYSTEM TECHNOLOGY TO DETERMINE WHETHER THE USE OF THESE TECHNOLOGIES IS FEASIBLE," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 330, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF TRANSFERRING JURISDICTION OVER THE COORDINATION OF THE EVALUATION AND MANAGEMENT OF BURIAL SITES OF NATIVE HAWAIIAN ORIGIN FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE OFFICE OF HAWAIIAN AFFAIRS," was jointly offered by Representatives Carroll and Awana.

H.C.R. No. 331, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE OFFICE OF HAWAIIAN AFFAIRS TO WORK TOGETHER TO ADDRESS AND CLARIFY THE TERM "BURIAL SITE"," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 332, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVISE ITS PRESENT POLICIES ON MATTERS OF SUCCESSORSHIP," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 333, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT TO THE LEGISLATURE ON THE VOLUME AND NATURE OF THE GOODS AND SERVICES THAT WOULD NEED TO BE DONATED TO SCHOOLS IN REMOTE AREAS BEING CONSIDERED FOR CLOSURE IN EXCHANGE FOR TAX CREDITS, TO MAKE THOSE SCHOOLS VIABLE," was jointly offered by Representatives Carroll, Awana and C. Lee.

H.C.R. No. 334, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF AGRICULTURE TO WORK WITH THE TARO SECURITY AND PURITY TASK FORCE TO IDENTIFY TARO LANDS AND DEVELOP POLICIES TO PROMOTE TARO FARMING," was jointly offered by Representatives Carroll, Awana, Hanohano, C. Lee and Nakashima.

H.C.R. No. 335, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO LEASE AVAILABLE LANDS FOR COMMERCIAL OR INDUSTRIAL USES TO NON-HAWAIIANS AT MARKET RATES," was jointly offered by Representatives Carroll and Awana.

H.C.R. No. 336, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COMPLETE A STATEWIDE SURVEY AND INVENTORY TO IDENTIFY AND DOCUMENT HISTORIC PROPERTIES, AVIATION, ARTIFACTS, AND BURIAL SITES, WITH AN EMPHASIS ON HISTORIC PRESERVATION RELATING TO THE CULTURE AND HISTORY OF HAWAIIANS AND NATIVE HAWAIIANS," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 337, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO COMPILE ANNUAL STATE AGENCY INFORMATION RELATING TO EFFICIENT USE OF MOTOR VEHICLES," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 338, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO REPORT ON THE FUEL EFFICIENCY OF VEHICLES IN EACH EXECUTIVE AGENCY'S FLEET," was jointly offered by Representatives Carroll, Awana, C. Lee and Nakashima.

H.C.R. No. 339, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO REVISE THEIR REAL PROPERTY TAX ASSESSMENT SYSTEMS TO MINIMIZE THE IMPACT OF REAL PROPERTY TAXES ON TARO FARMERS IN THE STATE," was jointly offered by Representatives Carroll, Awana, Hanohano, C. Lee and Nakashima.

At this time, Representative Evans moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions for introduction, seconded by Representative Pine and carried. (Representatives Bertram, Tokioka, Wakai and Ward were excused.)

At this time, the Chair announced:

"Before we recess until 12:00 noon, the Chair would like to recommend that we come back early tomorrow at 12:00 since out of the extraordinary circumstances we'll be having three Floor presentations. Yes, three. So let's start on time at 12:00 tomorrow so we can address these Floor presentations."

At 12:17 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 12:00 o'clock noon tomorrow, Thursday, March 11, 2010. (Representatives Bertram, Tokioka, Wakai and Ward were excused.)

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 11, 2010.

TWENTY-NINTH DAY

Thursday, March 11, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Souki and Takai, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth Days were approved. (Representatives Bertram, Souki and Takai were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 and 204) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 203, dated March 1, 2010, transmitting the report, Department of Labor and Industrial Relations' Compacts of Free Association and Employment Core Services for Low-Income Persons for fiscal year ending June 30, 2009, as required by HB 2500, Pt. 3, Sect. 15.2, Act 158 (2008).

Gov. Msg. No. 204, dated March 1, 2010, transmitting the report, Department of Labor and Industrial Relations' Office of Language Access for fiscal year ending June 30, 2009, as required by Act 290.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Thielen, on behalf of Representative C. Lee and herself, introduced her shadow today, Jesse Moonier, 5th grade student at Le Jardin Academy. He was accompanied by legislative staff, Ms. Franziska Roessy.

Representative Yamane introduced Senator David Ige.

Representative Brower, on behalf of the Committee on Human Services, introduced members of the healthcare community.

'Ohana Health Plan:
Dr. James Tan, Director;
Mr. Dexter Mar, Director of Pharmacy;
Mr. Greg Kono, Director of Regulatory Affairs and Compliance;
Ms. Anne Chipchase, Community Outreach Specialist; and
Mr. Curtis Yee.

Lupus Hawaii:
Ms. Cheryl Ann Jon, President;
Mr. Mike Yoshino, Board of Directors;
Mr. Alika Malabey, Director of Operations; and
Mr. Justin Cruz, Board of Directors.

Organ Donor Center of Hawaii:
Mr. Tony Sagayadoro.

Representative Har introduced family and friends of the members of Kalapana.

Mr. Carl and Ms. Jeanette Hadley, cousins of Mr. Malani Bilyeu; and

Mrs. Terry Holomalia, wife of Mr. Gaylord Holomalia.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
136	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
137	Committee on Energy & Environmental Protection, then to the Committee on Finance
140	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
141	Committee on Health, then to the Committee on Consumer Protection & Commerce
142	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
143	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
144	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs
145	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
146	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
147	Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
148	Committee on Human Services, then to the Committee on Finance
149	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
150	Committee on Health, then to the Committee on Finance
151	Committee on Hawaiian Affairs, then to the Committee on Finance
152	Committee on Energy & Environmental Protection, then to the Committee on Finance
153	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
154	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
155	Jointly to the Committee on Transportation and the Committee on Judiciary
156	Jointly to the Committee on Transportation and the Committee on Judiciary

157 Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance

158 Committee on Transportation, then to the Committee on Finance

159 Committee on Energy & Environmental Protection

160 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary

161 Committee on Transportation, then to the Committee on Finance

162 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs

H.C.R. Nos.	Referred to:
207	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
208	Committee on Energy & Environmental Protection, then to the Committee on Finance
209	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
210	Committee on Health, then to the Committee on Judiciary
211	Committee on Health, then to the Committee on Consumer Protection & Commerce
212	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
213	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
214	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs
215	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
216	Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
217	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
218	Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
219	Committee on Human Services, then to the Committee on Finance
220	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
221	Committee on Health, then to the Committee on Finance
222	Committee on Education, then to the Committee on Finance
223	Committee on Public Safety, then to the Committee on Finance
224	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
225	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Health
226	Jointly to the Committee on Transportation and the Committee on Judiciary
227	Jointly to the Committee on Transportation and the Committee on Judiciary
228	Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
229	Committee on Transportation, then to the Committee on Finance
230	Committee on Energy & Environmental Protection
231	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary
232	Committee on Transportation, then to the Committee on Finance

S.C.R. No.	Referred to:
79, SD1	Committee on Human Services, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 255) was announced by the Clerk and the following action taken:

H.R. No. 255, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE KAIMUKI HIGH SCHOOL BULLDOGS VARSITY GIRLS' BASKETBALL TEAM ON ITS 2010 HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION DIVISION II STATE CHAMPIONSHIP," was jointly offered by Representatives Nishimoto, Brower, Marumoto, Saiki and Say.

Representative Nishimoto moved that H.R. No. 255 be adopted, seconded by Representative Saiki.

Representative Nishimoto commended the Kaimuki High School Bulldogs Varsity Basketball team for working together as a team to win the 2010 Hawaii High School Athletic Association Division II State Championship.

Representative Marumoto also congratulated the Kaimuki Basketball team and introduced the seniors who were seated on the Floor of the House:

Ms. Nicole Chipen-Ii;
Ms. Mikki Morihara;
Ms. Tanya Villanueva;
Ms. Puanani Akaka; and
Ms. Vaioleti Mikaele.

Representative Marumoto then introduced other team members and supporters seated in the gallery:

Mr. Fred Lee, Kaimuki High School Athletic Director;
Ms. Mona Fa'asoa, Head Coach;
Mr. Bronson Omura, Mr. Jerome Pacarro and Mr. Elia Akau, Assistant Coaches;
Ms. Wendy Villanueva, Team Mom; and
Team Members – Ms. Dejah Fa'asoa, Ms Letishah Fa'asoa, Ms. Keana Paez, Ms. Canny Aikau, Ms. Alison Pologa, and Ms. Vailele Fa'asoa.

The motion was put to vote by the Chair and carried, and H.R. No. 255 was adopted, with Representatives Takai and Takumi being excused.

The following resolution (H.R. No. 256) was announced by the Clerk and the following action taken:

H.R. No. 256, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE NATIONAL KIDNEY FOUNDATION, ORGAN DONOR CENTER OF HAWAII, FRESENIUS MEDICAL SERVICES, LIBERTY DIALYSIS, CLINICAL LABORATORIES OF HAWAII, AND OHANA HEALTH CARE FOR RAISING AWARENESS ABOUT ORGAN DONATION AND KIDNEY DISEASE," was jointly offered by Representatives Mizuno, Brower, Manahan, McKelvey, Wakai and Yamane.

Representative Mizuno moved that H.R. No. 256 be adopted, seconded by Representative Wakai.

Representative Mizuno commended the honorees and their organizations for their work in raising community awareness about chronic kidney disease, as well as life-saving prevention, screening, patient support and organ donation.

Representative Mizuno then introduced the following honorees seated on the Floor of the House:

Ms. Jane Gibbons, Executive Director of Liberty Dialysis;

Ms. Jane Idica of Fresenius Medical Services;

Ms. Katharine 'Casey' Kickertz, Chief Executive Officer of the Organ Donor Center of Hawaii;

Representative Wakai continued, introducing:

Mr. Erhardt Preitauer of Ohana Health Plan; and

Mr. Glen Hayashida, Chief Executive Officer of the National Kidney Foundation of Hawaii.

Representative Saiki requested that the front-page article of today's *Honolulu Star-Bulletin* be included in the Journal which explains the enduring impact of kidney transplants in Hawaii.

Representative Ching also commended the honorees and the work of their organizations in supporting the many patients requiring dialysis and other medical care.

The motion was put to vote by the Chair and carried, and H.R. No. 256 was adopted, with Representatives Takai and Takumi being excused.

The following resolution (H.R. No. 257) was announced by the Clerk and the following action taken:

H.R. No. 257, entitled: "HOUSE RESOLUTION COMMEMORATING THE 35TH ANNIVERSARY OF KALAPANA AND HONORING THEIR CONTRIBUTIONS TO CONTEMPORARY HAWAIIAN MUSIC," was offered by Representative Tokioka.

Representative Tokioka moved that H.R. No. 257 be adopted, seconded by Representative Carroll.

Representative Carroll reminisced about and honored the memory of the late Bryant Macky Feary, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Carroll then introduced Mr. Gaylord Holomalia, keyboard player, recording engineer and producer.

Representative Manahan introduced his friend, Mr. David John, 'DJ' Pratt, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Tokioka then introduced his friend and Kauai resident, Mr. Carl James Malani Bilyeu, guitar player, singer/song writer, and one of the founding members of Kalapana.

Representative Tokioka also introduced Mr. Randy Aloya, bass guitar; and Mr. Todd Yukimoto, saxophone, who were also seated on the Floor of the House.

Representative Tokioka commended the band for being musical ambassadors of Hawaii, achieving global 'rock star' status, thanked them for 35 years of musical enjoyment, and then welcomed and presented to the Body, Kalapana.

Kalapana performed for the Members of the House and audience, singing *Many Classic Moments*, *Naturally*, and as an encore, (*For You, I'd Chase a) Rainbow*.

The motion was put to vote by the Chair and carried, and H.R. No. 257 was adopted, with Representative Takumi being excused.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

At this time, the Chair recognized Senator Donna Kim, Senator David Ige, and Senator Michelle Kidani who had joined the Members of the House for today's Floor presentations.

At 12:55 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:09 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Takumi and Tokioka were excused.)

UNFINISHED BUSINESS

S.B. No. 1059, SD 2, HD 3:

Representative B. Oshiro moved that S.B. No. 1059, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you. Mr. Speaker, I will vote for this measure, but I would like to express some reservations on it. If this measure passes, counties will then be able to enact stricter ordinances than State law regarding fireworks. Theoretically, one or more, or maybe all the counties will enact a statewide ban, but I doubt it. But I am voting for this amended bill, even though it is a pale imitation of a total ban.

"I was planning to vote no on the original bill that called for a task force because it would not result in any diminution of imports of illegal

fireworks for at least a year. There would be no immediate relief from aerials and concussion bombs for a long time, maybe never. So if House Draft 3 passes, please see your local county councilperson about an immediate ban.

"In discussing this measure with several legislators, the problem does appear to be out of control on Oahu, but not so much on the Neighbor Islands. So unless we enact a ban on this island, we will continue to see our citizens blowing up their money, asthmatics flocking to hospital emergency rooms, children injuring themselves with fireworks, fire fighters putting out house and brushfires, police unable to cite people, frantic pets running away, and a few families losing loved ones.

"As for the task force portion of the bill, we may learn a lot, but I can see the recommendations languishing on a legislative shelf somewhere, gathering dust. Let's hope that the recommendations will eventually point the way to stemming the importation of illegal fireworks to Hawaii. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I'd like to speak in support of the amended measure. If you would please forgive me because the other day when we had a 12-hour session, I didn't really say much. Thank you.

"Mr. Speaker, I stand in support of SB 1059, SD2, HD3, but I'd like to express my many concerns about the misuse of fireworks and why we must proceed with fireworks control.

"Mr. Speaker, the coming of the New Year should be a joyous occasion; however, for many in Hawaii, it is a time of trepidation and fear.

"Although this bill is not perfect, I am happy to see it go forward, because I'd be embarrassed if we would go through the Session without any action on fireworks. For me, a statewide ban is really the answer to our problems, but I'm going to vote in favor of this measure.

"Many of Hawaii's people have made it clear that they desire stricter enforcement of fireworks laws because the proliferation of fireworks in recent years has resulted in a degeneration of the New Year celebration, and public safety issues so severe that people are afraid to leave their homes. Fireworks have also put police and EMS personnel at risk for injury and takes them away from crime fighting and assisting the ill and injured during the holiday.

"I have received multiple complaints from constituents for more than a month before and after the holiday. Fireworks are being used in a manner that's disrespectful to communities and neighborhoods, with no regard to the severe health effects being experienced by children and seniors in particular. Some have said, 'No worry. It is only one night,' but the negative effects of fireworks hardly end when the festivities are over.

"Fireworks are composed of toxic chemicals that pollute our air, contaminate our drinking water, and leave residue in our watershed, harming plants and animals. Fireworks produce smoke and dust that contain residues of heavy metals and sulfur coal compounds. Particulate matter lingering for more than a week after the explosions may cause asthmatics and people who suffer from COPD, that's chronic obstructive pulmonary disease, to have to take medications such as bronchodilators, steroids, and antibiotics and in some cases, take IV fluids. These are expensive remedies.

"Fireworks also cause burns and injuries, which can be life threatening, fatal and cause permanent scars on the body and in the lungs.

"A report filed this year by the Health Department showed a significant increase in emergency room visits and injuries to people. A never-before-seen influx of children injured by fireworks was seen this year in our ERs. And think of the injuries that were treated outside the ER or never reported.

"Another serious concern is the ear damage that may be happening to young children. Aerials produce levels around 150 decibels, and the boom bombs are much louder. Studies show that small children's ears can be damaged by even short exposure to such noise. The noise can also trigger stress reactions in people who suffer from combat related Post Traumatic Stress Disorder.

"So you may say, 'It's a tradition.' I don't believe tradition is something that hurts people. I don't believe it's something that takes away their right to a peaceful holiday or causes fear and stress in pet animals. Many remember when fireworks were fun. Unfortunately that is no longer the case.

"Or would you say it's good for business? Yes, the big profits of offshore vendors and the illegal sales of aerials. At the same time, the exploitation of children and the poor takes place.

"I was particularly touched by a letter, which appeared in the *Honolulu Advertiser*, written by Dr. Torrey Goodman, an emergency room physician, which I would like to read and submit to the Journal, and these are his words."

Representative Rhoads rose to yield his time, and the Chair "so ordered."

Representative M. Lee continued, stating:

"To all legislators who did not have the courage to vote on a fireworks ban, I invite you to join me in a local emergency department on New Year's Eve. In 20 years as an emergency physician, I have never seen more severe injuries than I did this year. Tears of frustration and anger were how I greeted the New Year.

Please, dear legislators, explain to me why we are allowing items to be sold that result in young children literally being blown up and lit on fire, eyes damaged beyond repair and little hands curled into burnt claws.

How can you justify a child's screaming agony, lifelong scarring and a parent's worst nightmare as "cultural freedom"? Please spend one New Year's Eve in any local emergency room, and I promise you will have the courage to do what is right, and ban fireworks statewide."

"Mr. Speaker, I hope we pass this bill today, but I fear that, as last year, Conference will take its toll. Mr. Speaker, we will ban the statewide use of fireworks one day. For now, Hawaii's children and I must find at least some satisfaction in this small step in that direction. Thank you, Mr. Speaker."

Representative Manahan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I would just like to note my reservations on this measure. Most of the fireworks mentioned in the previous speaker's speech are already illegal, which suggest that this is an enforcement issue. I think that as far as the injuries to children, that is a parenting issue. Thank you."

Representative Karamatsu rose to speak in support of the measure with reservations, stating:

"I rise in support with reservations. My concerns are much like what the previous speaker from Mililani mentioned. But the illegal big booming fireworks, those are not supposed to be fired at all. The time constraints are already in law. There is a ban when you cannot play fireworks unless it's within those specific time periods. It's a matter of hours. The window for when fireworks are allowed is just a matter of hours. So the window is very small.

"It's unfortunate that individuals and those 'bad apples' make it bad for the rest of this community who enjoy fireworks. They're disobeying the law and popping it at any old time, and popping those huge big ones or those aerials. They are already illegal. All of those things mentioned are already illegal.

"Now the other issue is supervision, parental supervision. It's unfortunate again, that bad supervision by parents is making it bad for other people in Hawaii to enjoy fireworks.

"Even if we make it illegal or impose a statewide ban like gambling, I'm sure it's still going to occur except now we're not going to get the taxes from it. And you'll also see regular fireworks considered illegal. The type of fireworks that you would throw, pop rocks or those regular jumping jacks, or the red firecrackers, etc. Those would be considered illegal too. My concern is that enacting a ban will not completely stop fireworks. It will be just like gambling, which is all around us right now.

"So it's a matter of policy, and that's my concern with the direction that we're heading. We've tried it with county home rule, but that showed that fireworks were being moved around to other counties who had less strict ordinances. So it creates a different type of challenge for law enforcement. A statewide law is easier to enforce because it's statewide and all law enforcement know what to do. It prevents shipping into less strict areas by airplane or other means.

"The other area we have to look at is, this is what the task force is trying to do at the port level. If these fireworks are coming in at the port level, it's kind of scary to think what other type of materials or explosives could be coming in that actually would do more harm to the State of Hawaii. So that's what the task force is supposed to do, to unify everyone: the ports, the law enforcement, the private sector, the prosecutors, everyone, to find ways to stop the illegals and those huge, big ones that just blow up in the sky and just make sound that rocks the whole town. It really doesn't make sense.

"So those are the things the illegal loud ones that are rocking everybody and people popping at the wrong times. It's already illegal. It's already illegal for us to do that. We have got to enforce it, and that's what the Representative from Kalihi was emphasizing. Thank you."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for Senate Bill 1059, Relating to Fireworks. This bill would establish an illegal fireworks task force to stop the importation of illegal fireworks and explosives. The bill would also allow counties to enact ordinances regulating fireworks that are more stringent than State law.

"Unfortunately, this bill does not address the major issue that could suppress the promulgation, dissemination, and use of fireworks illegally. A total fireworks ban would certainly be an immediate solution to mitigate the illegal use of fireworks. However, how are our first responders supposed to enforce a total ban when they are unable to enforce the Fireworks Control Law as currently written? Providing our first responders with the necessary enforcement tools statutorily, and enacting uniform revisions to the Fireworks Control Law should be this Body's first step in tackling this divisive issue.

"For these reasons, I rise in support with reservations on Senate Bill 1059."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"I just would like to express my reservations, but I'm in support of the bill, Mr. Speaker. My reservation is that I don't think we need legislation. For the last six years that I've been here, we've been writing more legislation towards the ban or limit on fireworks. I think this is an enforcement issue. Until neighborhoods are willing to stand and say, 'It's that house that's popping the fireworks,' we'll never be able to enforce this because we cannot post or afford to post a policeman on every corner.

"So for those who had called me and complained about it, I asked them that they take matters in their hand. We have a police force that can arrest people or give citations to people that violate the law. But adding legislation year after year is not the solution to this.

"We've done everything Mr. Speaker. We limited the time. We have asked for fees, permits and so on. But this last New Year is a testament to the fact that what we pass in these Chambers is not helping. For all the years that I have lived in Hawaii, I think this last New Year was the worst that I have seen. It shows that whatever laws we passed in the Chamber are not the solution. Enforcement is the solution, Mr. Speaker."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with one reservation. Enforcement, enforcement, and enforcement."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of S.B. 1059, Relating to Fireworks. This bill establishes an illegal fireworks task force to stop the importation of illegal fireworks and explosives. It also requires the task force to report a preliminary plan to the Legislature no later than January 10, 2011 and allows counties to enact ordinances regulating fireworks that are more stringent than State law regulating fireworks.

"Being both a mother and the wife of a former emergency room doctor, I understand the dangers and repercussions associated with the use of illegal fireworks by inexperienced individuals. I truly believe that something needs to be done to begin discussion of this issue, and an illegal fireworks task force could be the key to begin discussion on how this problem can be resolved. By establishing a task force, a "brain trust" is created, whereby individuals who are actually on the front lines of the issue get to have a say in the solution.

"There are many possibilities in solving this issue, yet it is important to determine what the real source of the problem is. In the worst of all worlds, the State could completely ban fireworks, at the same time taking away one of the attractive cultural and traditional spectacles of Chinatown, yet still have perpetrators blow illegal fireworks smuggled in as they are now. This aspect needs to be discussed. Perhaps a confined use of fireworks to Chinatown controlled by experts and governed by police to keep people from getting too close will be one possibility and giving citizens a chance to traditionally celebrate holidays and events, while still keeping individuals safe and out of harm's way, allowing many of these holidays and events to remain attractive to tourists, who in turn contribute back to the local businesses in the area is essential.

"Or perhaps a task force discussing solely the issue of the prohibition of fireworks, we may want to consider implementing a hotline within the State Fire Council, where residents can call in to report the use of illegal fireworks. This will help with the enforcement of fireworks laws that are already in place. Perhaps even a bounty could be considered.

"We need to remember that not all fireworks users are abusing the privilege, with many of them using it solely for the cultural aspect associated with fireworks in confined and special locals. My hope is that a task force will be sensitive to these issues, and remember that a complete ban will affect many residents who have no intentions of disturbing or harming others in their use of fireworks. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. First I'd like to adopt the words of the speaker from Mililani as if they were my own. Thank you, Mr. Speaker.

"You know in 1994, the Hawaii State Legislature voted on a bill to carve out the laws pertaining to fireworks and give it specifically to the Legislature, and make this only a legislative issue. Years have passed and I think it's only gotten worse. I don't think our experiment in 1994 worked.

In fact, everybody today can look back at the New Year and the days preceding and following New Year's Day and we can all agree that it's gotten worse.

"Mr. Speaker, this is a public health and public safety issue. No other issue that faces this State, whether at the legislative level or the county level, is looked at only as a legislative issue. Take for example, tobacco. We don't have preemption on tobacco. Tobacco laws are governed not only in this Body and this Legislature, but also in the four counties and the county councils. That was by design. If a county council chooses to ban smoking in all work places, we let them. In fact, the City & County of Honolulu did so and soon thereafter, we followed and made it a statewide ban.

"To tell me that it is an enforcement issue, I agree. It is an enforcement issue, but let's look at who enforces the fireworks laws. It's not the State. It's not the State police or the State sheriff. It's not the State firefighters. It's the county police officers and it's the county firefighters. And what all of them are asking for is to give them the tools necessary to successfully enforce what is already on the books and to create additional laws and ordinances that will give them the ability to make it a safe place.

"Next year we have APEC, and as we all know President Obama was here on New Year's Eve. We heard many stories regarding the Secret Service and what they thought about what happened. I'm just worried that if we cannot get a handle on this, that we are going to be not only the laughingstock of the nation, but the entire world. We're going to have bombs going off everywhere during one of the most important meetings in the entire world next November.

"So please Mr. Speaker and Members, look at this as a public health and public safety issue. And when you look at it from that point of view, there is no reason I think that we should not allow the counties to regulate or to create additional laws regulating fireworks in addition to what we have right now on the books. Thank you, Mr. Speaker."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support, and may I have the words of the previous speaker and the Representative from Mililani adopted as my own. And just one quick comment.

"A Member has said that this is a matter of enforcement. It's curious to me that in all the testimony, in all the fireworks bills, including this bill, that it's the enforcement community coming to us and asking us for a ban. So I think that this measure which creates and allows the counties to enact laws that maybe, at that level they will have the collective political will and courage to do something to make this situation right. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to be in opposition. Thank you. Just for the reason that this issue has been around for so long that we should just take a vote on whether or not we should we have a ban. I understand that there are a lot of intricacies with enforcement and everything, but the bottom line is, where do we want to go with this legislation? Let's make a bold decision. My no vote is because I do support a total ban.

"Mr. Speaker, I think the people of Hawaii have been waiting a long time to be able to see where their legislators are on this particular issue. I think maybe we should be a little bit more transparent with the issue of having a ban or not having a ban. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. Again with reservations. A couple of speakers had alluded to the fact that we have aerial fireworks and bombs that are already illegal, but obviously the law is not working. Hopefully we will see the counties enact a ban.

"But I think this is the only way that we will be able to stop fireworks because obviously, the illegal fireworks are being smuggled in with the legal ones or however. It's very difficult to control them here in Hawaii if you still allow fireworks because they're going to get in through boats, through private vessels, through commercial airlines, through shipping. It's extremely difficult to stop them since our borders are very porous when it comes to explosives of this type.

"One speaker alluded to the fact that the fireworks come to an area that is less strict. I would contend that it's the other way. Pre-1994, we had the Big Island that apparently allowed aerial fireworks, but they came to an area that was more strict which is they were smuggled into Oahu. So the only way to be able to police it is unfortunately, a total ban and that is what we should be working for. Thank you."

Representative Karamatsu rose to respond, stating:

"Just to the argument that the counties enforce, and we should give them homerule because it's the counties that enforce it. The counties enforce all of our criminal laws, so that argument doesn't make sense.

"If you have fireworks and you cannot pop them in the City and County of Honolulu, but you can pop it on the Neighbor Island, say Maui County, you can get a fine and criminal penalty here on Oahu. But yet if you do the same thing in another island, you won't get fined or anything. So it's not uniform.

"It's the same thing with theft. Should we define theft differently in different parts of our State or any other type of criminal law? I don't think so. That's what will happen with this."

Representative Sagum rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sagum's written remarks are as follows:

"I am voting against SB1059, SD2, HD3: Relating to Fireworks on final passage because it places a burden on counties to enact ordinances more restrictive than State law, and it implies that enforcement would be a county responsibility.

"The 1994 Legislature passed a bill that established a single, statewide standard for fireworks. This meant that every county would follow the same restrictions. Before 1994, the illegal trade in fireworks between counties flourished. Enforcement was difficult and largely ineffective. So, why should we go back to that same problem? We should not. We need stronger enforcement of the statewide ban against aerial fireworks.

"If larger counties ban fireworks, it is questionable that the legal fireworks industry will be able to survive given the high cost of operating a fireworks storage facility and the already low profit margin within the industry.

"This issue is also deeply cultural. I grew up with fireworks set off on special holidays. I would hate to see the individual rights of those on Kauai taken away by the decisions of those on Oahu and other "urban" jurisdictions in Hawaii.

"I support the provision in SB 1059 that establishes a task force on illegal aerial fireworks. Hopefully, out of the work of this task force, we will identify more effective means of combating the trafficking of illegal aerial fireworks."

Representative Cabanilla rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. I think that the total ban on fireworks will just encourage creativity by our people. We know those who deal with illegal fireworks or those bombs that are either self-made or homemade where we don't have control over what those homemade bombs are made of. We just heard another bill about people doing this, and we made a decision that this is not the best interest of our people to have those kinds of bombs. However, if we ban those, we would just encourage

people to create more of those type of bombs or fireworks. Thank you, Mr. Speaker."

Representative Chang rose and asked that the Clerk record an no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 1059, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Chang, Finnegan and Sagum voting no, and with Representatives Takumi and Tokioka being excused.

At 1:32 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1059, SD 2, HD 3

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 688-10) recommending that S.B. No. 2544, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2544, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm, we represent Honolulu Sea Water for procurement issues, but nothing related to the SPRB. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and S.B. No. 2544, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 689-10) recommending that S.B. No. 2610, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2610, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2610, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 690-10) recommending that S.B. No. 2440, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 691-10) recommending that S.B. No. 2249, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2249, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 692-10) recommending that S.B. No. 2383, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2383, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 693-10) recommending that S.B. No. 2564, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2564, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 694-10) recommending that S.B. No. 2339, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2339, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2339, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 695-10) recommending that S.B. No. 2566, as amended in HD 1, pass Second

Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 696-10) recommending that S.B. No. 2323, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2323, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 697-10) recommending that S.B. No. 2740, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 698-10), recommending that H.C.R. No. 47, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU," was referred to the Committee on Finance, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 699-10) recommending that H.R. No. 3, be adopted; and

(Stand. Com. Rep. No. 700-10) recommending that H.C.R. No. 5, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 3, and H.C.R. No. 5, be adopted, seconded by Representative Evans.

Representative M. Lee rose in support of both measures, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 3, entitled: "HOUSE RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was adopted, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused; and

H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT PROGRAM OF ACTION ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND URGING THE UNITED STATES TO RE-COMMIT TO THE ERADICATION OF GLOBAL POVERTY AND GENDER INEQUALITY," was adopted, with Representatives Berg, McKelvey, Souki, Takumi and Tokioka being excused.

ANNOUNCEMENTS

Representative Herkes: "Mr. Speaker, your Committees on Consumer Protection & Commerce, and Judiciary are scheduled to have a public hearing at 2:00 and 2:05 this afternoon. We request that we move that back to 2:30 and 2:35. It's been a busy day. Thank you."

Representative Wakai: "Thank you, Mr. Speaker. I would like to share a short and uplifting story with this Body. It's a story about two Chinese moles. They burrowed underground for 20 years. Other moles have scurried in, others have scurried out. But much of their duties were to process a lot of tree bark byproducts. Paper here, paper there. They continued foraging through paper until the electronic age hit. Then, the piles of stuff lessened.

"At around this time, one of the two moles got sick. So sick that there was talk of needing acute care. The sick mole was not looking forward to having her blood cleaned by machine, but the alternative was a slow death. The second mole could not bear to see her friend withering away, but what could she do? She was no doctor. The second mole didn't have a special potion to make things all right. However, what that second mole had was a heart of gold and extra organ to share.

"The two moles that worked next to each other for more than two decades soon found themselves next to each other on an operating table. One mole clinging to life. The second willing to share hers. The surgery was a huge success. Both moles would eventually reunite to their underground life working for the State House of Representatives.

"Last September, Pat Mau-Shimizu was facing stage four kidney failure. Dialysis was the next step for her survival. But before that moment could take place, CJ Leong offered up her extra kidney. Now Pat has a second lease on life. She looks great, and should have a full life expectancy.

"Who would have thought these two moles who sit next to each other every day and have spent much of their adult life underground, would eventually become bonded in this manner? On this World Kidney Day, there is a deep lesson to be learned for all of us. A lesson about the pure goodness of what took place last September.

"This story has a happy ending, but last year 16 people in Hawaii died waiting for an organ transplant. It took an abundance of courage for CJ to donate her kidney. She looked past the pain and anguish to become a true hero.

"Many of us may support worthy causes through our time and maybe through our wallets, but how many of us would share a piece of ourselves to save another. It is truly amazing how one human can have such a

powerful, powerful impact on another. All of us in this Chamber are lucky to be daily witnesses to the power of kindness.

"CJ, what you did for Pat is fantastic. What your story will do for the greater community is phenomenal. You inspire all of us to be kind, generous, and humble. Thank you, Mr. Speaker."

ADJOURNMENT

At 1:40 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 12, 2010. (Representatives Berg, McKelvey, Souki, Takumi and Tokioka were excused.)

Honolulu Star Bulletin
Thursday 3/11/10

Linked for life through their kidneys

House Clerk Pat Mau-Shimizu was in desperate need of a kidney and found a perfect match in her assistant, C.J. Leong

By Richard Borreca
rborecca@starbulletin.com

For more than 15 years, medical hope for House Clerk Pat Mau-Shimizu was sitting next to her on the House floor — C.J. Leong, House assistant clerk.

Mau-Shimizu, 57, is an attorney and 23-year veteran of the Legislature. She also suffers from diabetes and had chronic kidney disease that progressed to the severe stage.

"In the beginning stages, there are no symptoms, there is no pain, and that is why testing is so important," Mau-Shimizu said. It progressed to a point where Mau-Shimizu was constantly tired, on a limited diet and starting to have severe side effects.

Her doctors told her she had to go to classes at Hawaii Medical Center-East to learn about treatment and to explore options.

Mau-Shimizu opted for a kidney transplant, but the choices were limited. Her brother could not donate, and she didn't want her daughter to.

Leong offered to drive Mau-Shimizu to the classes.

"I knew it could be kind of nerve-wracking," said Leong, 52, also a two-decade legislative veteran. "Part of the workshops were about finding donors."

Her curiosity piqued, Leong contacted the transplant coordinator without telling Mau-Shimizu and asked for information about becoming a kidney donor.

"The odds of us being a match were remote, but I wanted to give it a try," says Leong, who is of Chinese, Japanese and Hawaiian descent. Mau-Shimizu is Chinese.

Working in their favor was the fact that their blood type matched and they were roughly the same age.

After the Legislature ended in 2009, Leong decided to volunteer to be a donor and started a process of screening and counseling.

"They won't take just any old kidney," Leong said. "They want to make sure it is healthy."

After getting a complete physical and even going thorough discussions with a social worker and a psychologist, Leong was declared a match and ready to help Mau-Shimizu.

"It was in August that I got the call. All along the way every person asked me, 'Why are you doing this? What is your relationship to the patient?'"

Leong explained that although she was Mau-Shimizu's assistant, both were independently appointed by the House speaker and then confirmed by the 51 House members.

"You could noticeably see them relax. They didn't have to worry about coercion," Leong said.

All that was left to do was tell Mau-Shimizu that she had a kidney to give her a new life.

Leong was low-key, saying she didn't want to get Mau-Shimizu's hopes up, because there was always a chance of rejection.

"When she first told me about it, I first didn't believe it, and then on the way home I was passing Holy Trinity Church in Aina Haina and I just started crying and it had sunk in that now it was a go," Mau-Shimizu said.

The operations were held in September, almost exactly one year from when Leong and Mau-Shimizu attended the first class.

There have been no complications.

Mau-Shimizu takes medicine to prevent rejection of the new kidney. Leong gets a checkup every three months and finds that giving her kidney gave her a new family.

"My mother and father are telling everybody they have another daughter, and when I saw her father last week, he asked, 'How's my hanai daughter?'" Mau-Shimizu said.





Cindy Ellen Russell crussell@starbulletin.com



Top: State House of Representatives Clerk Pat Mau-Shimizu, left, received a kidney from assistant House Clerk C.J. Leong in September. They have worked together for more than 20 years.

Above: House of Representative Clerk Patricia Mau-Shimizu, foreground, received a kidney transplant from House Assistant Clerk C.J. Leong, background, in September. The clerks became a match after an extensive two-year search.

Right: C.J. Leong held a cross that was presented as a gift by Mau-Shimizu's mother, Leilani Mau, who wore the necklace every day for 20 years.

"For someone thinking about it, I would say get the information, educate yourself," Leong said. "It costs you a little discomfort, but the gratification in seeing the recipient have a better quality of life is priceless."

★★★

Free kidney screenings at Capitol event

The local office of the National Kidney Foundation is sponsoring a special "Kidney Day" at the state Capitol from 10 a.m. to 4 p.m. today.

There will be free kidney screenings and other events.

"Most people with kidney disease are not diagnosed until late in the course of illness when there are few opportunities for prevention," says Glen Hayashida, National Kidney Foundation of Hawaii chief executive officer.

"There will be cooking demos, free screenings and entertainment at the Capitol, all in an effort to keep our neighbors alive," says state Rep. Glenn Wakai.

Star-Bulletin staff

THIRTIETH DAY

Friday, March 12, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative John M. Mizuno, after which the Roll was called showing all Members present with the exception of Representatives Manahan, Takumi and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Ninth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 205) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 205, informing the House that on March 11, 2010, the following bill was signed into law:

H.B. No. 2169, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY." (ACT 002)

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 340) was received and announced by the Clerk:

Sen. Com. No. 340, transmitting H.B. No. 2427, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," which passed Third Reading in the Senate on March 11, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Manahan, Saiki, Takumi and Thielen were excused.)

H.B. No. 2427, HD 1, (SD 1)

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Berg recognized the many student shadows participating in the Leader For A Day program.

Alyza Malunao of Waialua High & Intermediate shadowing Representative M. Lee;

Charlie Case of Waialua High & Intermediate shadowing Representative M. Oshiro;

Cody Lim of Waipahu Intermediate shadowing Representative Karamatsu;

Cyerra Foster of Waialua High & Intermediate shadowing Representative Magaoay;

Deidrick Lee of Kauai High School shadowing Representative Finnegan;

Grazielle Domingo of Waipahu Intermediate shadowing Representative Mizuno;

Jocelyn Bischoff of Olomana School shadowing Representative Brower;

Josiah Acang of Ke Kula O Nawahiokalani Opu'u shadowing Representative Chang;

Kanoelani Delatori of Lahainaluna High School shadowing Representative Bertram;

Lauren Wheatley of Kauai High School shadowing Representative Morita;

Loren Kuni of Waialua High & Intermediate shadowing Representative Aquino;

Makenna Stockham of Lahainaluna High School shadowing Representative Belatti;

Malia Kagawa of Kauai High School shadowing Representative Tokioka;

Megan Castillo of Kauai High School shadowing Representative Sagum;

Melissa Taketa of Lahainaluna High School shadowing Representative Awana;

Michael-John DeMello of Ke Kula O Nawahiokalani Opu'u shadowing Representative Tsuji;

'Opu'ulani Pascual-Tam of Ke Kula O Nawahiokalani Opu'u shadowing Representative Evans;

Robert Griffith of Lahainaluna High School shadowing Representative Nakashima;

Shaylee Bonds of Lahainaluna High School shadowing Representative C. Lee;

Shayleen Taketa of Waipahu Intermediate shadowing Representative Ching;

Taylor Smith of Lokelani Intermediate School shadowing Representative Choy;

Vincent Magno of Lahainaluna High School shadowing Representative Keith-Agaran; and

William Douglas Schusser of Lahainaluna High School shadowing Representative Ward.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.	Referred to:
163	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
164	Jointly to the Committee on Housing and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce
165	Committee on Health, then to the Committee on Economic Revitalization, Business, & Military Affairs

166 Jointly to the Committee on Transportation and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

167 Committee on Education, then to the Committee on Finance

168 Committee on Education, then to the Committee on Finance

169 Committee on Tourism, Culture, & International Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

170 Committee on Tourism, Culture, & International Affairs

171 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

172 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

173 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

174 Committee on Health, then to the Committee on Consumer Protection & Commerce

175 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

176 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

177 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

178 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

179 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

180 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

181 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

182 Committee on Transportation, then to the Committee on Judiciary

183 Committee on Consumer Protection & Commerce

184 Committee on Human Services, then to the Committee on Finance

185 Committee on Transportation, then to the Committee on Judiciary

186 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

187 Committee on Education, then to the Committee on Finance

188 Committee on Education, then to the Committee on Finance

189 Committee on Housing, then to the Committee on Judiciary

190 Committee on Water, Land, & Ocean Resources

191 Jointly to the Committee on Health and the Committee on Higher Education

192 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

193 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

194 Committee on Education, then to the Committee on Finance

195 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

196 Committee on Energy & Environmental Protection, then to the Committee on Finance

197 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

198 Committee on Judiciary

199 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary

200 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

201 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

202 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

203 Committee on Public Safety, then to the Committee on Legislative Management

204 Committee on Judiciary

205 Committee on Legislative Management, then to the Committee on Finance

206 Committee on Education, then to the Committee on Finance

207 Committee on Education, then to the Committee on Finance

208 Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Legislative Management

209 Committee on Energy & Environmental Protection, then to the Committee on Finance

210 Committee on Consumer Protection & Commerce, then to the Committee on Energy & Environmental Protection

211 Committee on Consumer Protection & Commerce, then to the Committee on Energy & Environmental Protection

212 Committee on Health, then to the Committee on Legislative Management

213 Committee on Judiciary, then to the Committee on Legislative Management

214 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

215 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance

216 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

217 Committee on Legislative Management, then to the Committee on Finance

218 Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources

219 Committee on Agriculture, then to the Committee on Finance

220 Committee on Transportation, then to the Committee on Finance

221 Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Finance

222 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

223 Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Finance

224 Committee on Public Safety, then to the Committee on Finance

225 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

226 Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management

227 Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs

228 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

229 Committee on Consumer Protection & Commerce

230 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

231 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education, then to the Committee on Finance

232 Committee on Transportation, then to the Committee on Finance

233 Committee on Human Services, then to the Committee on Judiciary

234 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management

235 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

236 Committee on Agriculture, then to the Committee on Finance

237 Committee on Tourism, Culture, & International Affairs

238 Committee on Tourism, Culture, & International Affairs

239 Committee on Public Safety, then to the Committee on Finance

240 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance

241 Committee on Labor & Public Employment, then to the Committee on Judiciary

242 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

243 Committee on Hawaiian Affairs, then to the Committee on Judiciary

244 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

245 Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs

246 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources

247 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

248 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

249 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

250 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

251 Committee on Hawaiian Affairs, then to the Committee on Judiciary

252 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

253 Committee on Hawaiian Affairs, then to the Committee on Finance

254 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

H.C.R. Nos. **Referred to:**

233 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

234 Jointly to the Committee on Housing and the Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

235 Committee on Health, then to the Committee on Economic Revitalization, Business, & Military Affairs

236 Jointly to the Committee on Transportation and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

237 Committee on Finance

238 Committee on Education, then to the Committee on Finance

239 Jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

240 Committee on Education, then to the Committee on Finance

241 Committee on Tourism, Culture, & International Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

242 Committee on Tourism, Culture, & International Affairs

243 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

244 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

245 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

246 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

247 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

248 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

249 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

250 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

251 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

252 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

253 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

254 Committee on Transportation, then to the Committee on Judiciary

255 Committee on Consumer Protection & Commerce

256 Committee on Human Services, then to the Committee on Finance

257 Committee on Transportation, then to the Committee on Judiciary

258 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

259 Committee on Education, then to the Committee on Finance

260 Committee on Education, then to the Committee on Finance

261 Committee on Housing, then to the Committee on Judiciary

262 Committee on Housing, then to the Committee on Finance

263 Committee on Water, Land, & Ocean Resources

264 Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Legislative Management and the Committee on Finance

265 Committee on Legislative Management

266 Jointly to the Committee on Health and the Committee on Higher Education

267 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

268 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

269 Committee on Housing, then to the Committee on Judiciary

270 Committee on Education, then to the Committee on Finance

271 Jointly to the Committee on Health and the Committee on Human Services and the Committee on Public Safety, then to the Committee on Finance

272 Committee on Transportation, then to the Committee on Judiciary

273 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

274 Committee on Energy & Environmental Protection, then to the Committee on Finance

275 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

276 Committee on Judiciary

277 Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary

278 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

279 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

280 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

281 Committee on Public Safety, then to the Committee on Legislative Management

282 Committee on Judiciary

283 Committee on Agriculture, then to the Committee on Finance

284 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

285 Committee on Education, then to the Committee on Finance

286 Committee on Education, then to the Committee on Finance

287 Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Legislative Management

288 Committee on Energy & Environmental Protection, then to the Committee on Finance

289 Committee on Agriculture, then to the Committee on Finance

290 Jointly to the Committee on Education and the Committee on Agriculture, then to the Committee on Finance

291 Committee on Consumer Protection & Commerce, then to the Committee on Energy & Environmental Protection

292 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

293 Committee on Consumer Protection & Commerce, then to the Committee on Energy & Environmental Protection

294 Committee on Health, then to the Committee on Legislative Management

295 Committee on Judiciary, then to the Committee on Legislative Management

296 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

297 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

298 Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance

299 Committee on Transportation, then to the Committee on Judiciary

300 Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance

301 Committee on Legislative Management, then to the Committee on Finance

302 Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources

303 Committee on Agriculture, then to the Committee on Finance

304 Committee on Transportation, then to the Committee on Finance

305 Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Finance

306 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

307 Jointly to the Committee on Agriculture and the Committee on Transportation, then to the Committee on Finance

308 Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Legislative Management

309 Committee on Public Safety, then to the Committee on Finance

310 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

311 Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management

312 Committee on Judiciary, then to the Committee on Finance

313 Committee on Hawaiian Affairs, then to the Committee on Tourism, Culture, & International Affairs

314 Committee on Energy & Environmental Protection, then to the Committee on Finance

315 Committee on Hawaiian Affairs, then to the Committee on Finance

316 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education, then to the Committee on Finance

317 Committee on Transportation, then to the Committee on Finance

318 Committee on Human Services, then to the Committee on Judiciary

319 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management

320 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

321 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance

322 Committee on Labor & Public Employment, then to the Committee on Judiciary

323 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

324 Committee on Hawaiian Affairs, then to the Committee on Judiciary

325 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

326 Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs

327 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources

328 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

329 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

330 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

331 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

332 Committee on Hawaiian Affairs, then to the Committee on Judiciary

333 Committee on Education, then to the Committee on Finance

334 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

335 Committee on Hawaiian Affairs, then to the Committee on Finance

336 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

337 Committee on Energy & Environmental Protection, then to the Committee on Finance

338 Committee on Energy & Environmental Protection, then to the Committee on Finance

339 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.	**Re-referred to:**
189	Committee on Housing, then to the Committee on Judiciary

H.C.R. No.	**Re-referred to:**
200	Committee on Legislative Management, then to the Committee on Finance

S.B. Nos.	**Re-referred to:**
1675, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
2378, SD2	Committee on Judiciary, then to the Committee on Finance
2432	Committee on Finance
2493, SD2	Committee on Finance
2775, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2810, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2883, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representatives Chang and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 701-10) recommending that S.B. No. 2903, SD 2, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2903, SD 2, pass Second Reading and be referred to the Committee on Hawaiian Affairs, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tsuji rose to speak in support of the measure, stating:

"Mr. Speaker, in reference to Stand. Com. Rep. No. 701-10, SB 2903, Relating to the Hawaiian Language College, I am in strong support and would like to submit written comments. Thank you."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker I speak in support of SB2903. This legislation would require the Department of Education, the Charter School Administrative Office, and the Hawaiian Language College at the University of Hawaii at Hilo to enter into an agreement regarding the Hawaiian Language College's functions related to *Ke Kula o Nawahiokalani'Opu'u Iki* in East Hawaii Island, as well as other laboratory schools.

"Hawaii is now the national leader in education through a Native tongue. Not only are we known for reviving an endangered language, but for increased academic achievement among students in Hawaiian immersion schools.

"This measure represents a step toward developing administrative practices that will further strengthen the Hawaiian medium of education while continuing a unique standard of excellence in our State's educational system. In this regard, Mr. Speaker, I am in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2903, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," passed Second Reading and was referred to the Committee on Hawaiian Affairs, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 702-10) recommending that S.B. No. 2607, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2607, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 703-10)

recommending that S.B. No. 2187, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2187, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 704-10) recommending that S.B. No. 2201, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2201, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 705-10) recommending that S.B. No. 2756, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2756, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Souki and Hanohano, for the Committee on Transportation and the Committee on Public Safety presented a report (Stand. Com. Rep. No. 706-10) recommending that S.B. No. 2936, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2936, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," passed Second Reading and was referred to the Committee on Agriculture, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 707-10) recommending that S.B. No. 2105, SD 2, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2105, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Health, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 708-10) recommending that S.B. No. 2375, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2375, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative McKelvey rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. On Stand. Com. Rep. No. 708-10, I am in strong support. I would like to thank the Chair of Transportation for moving this measure forward. It's very fitting we have some of my constituents from the West side of Maui here today as this issue profoundly affects the access of Honoapiilani Highway and our ability to get in and out of the second most populated visitor area in the island. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 709-10) recommending that S.B. No. 2863, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2863, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 710-10) recommending that S.B. No. 2942, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2942, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 711-10) recommending that S.B. No. 2081, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2081, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 712-10) recommending that S.B. No. 1062, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 1062, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Morita, Ito and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 713-10) recommending that S.B. No. 2818, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2818, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 714-10) recommending that S.B. No. 2533, SD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2533, SD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2533, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Hanohano and Ito, for the Committee on Public Safety and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 715-10) recommending that S.B. No. 950, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 950, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Hanohano and Yamane, for the Committee on Public Safety and the Committee on Health presented a report (Stand. Com. Rep. No. 716-10) recommending that S.B. No. 2213, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2213, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. In opposition. What this bill would do is it would open Compassionate Centers where medical marijuana would be distributed to people. Unfortunately, this would make some current criminal activities, legal. And this still would conflict with federal law, which would make enforcement of current illegal activities outside these Compassion Centers very difficult to enforce and complicated for the US Attorney's Office. But I will save the rest of my comments for Third Reading."

Representative Keith-Agaran rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. I don't believe the government needs to get in the business of marijuana distribution. It's failed in trying to do any and all other kinds of business. I know some are in the alcohol distribution center business. But to put in the State of Hawaii government in the point of who gets to be a distributor, and who is not, I think it's the wrong direction. It's wrong and not a good policy. Thank you."

Representative Takai rose in opposition to the measure and asked that the remarks of Representatives Pine and Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. I want to read from the testimony of the Department of the Attorney General. Just a few comments here from the Attorney General's testimony.

Jurisdictions that have established marijuana dispensaries have experienced serious negative effects. Jurisdictions that allow marijuana dispensaries have experienced crimes, and significant decrease in quality of life. For many years Amsterdam was touted by the Marijuana Lobby as a utopia where marijuana was sold openly from neighborhood dispensaries, but in 2009 because of the increase in organized crime as well as other social factors the government stepped in and closed them.

In Mendocino County, California, it relaxed its marijuana laws in 2002. By 2008, the community voted the changes out due to the increase in organized crime and other crime after California started allowing marijuana dispensaries, the police in nearly every California jurisdiction that had dispensaries reported an upswing in crime in those areas. There were more murders, robberies, burglaries, aggravated assaults, and theft.

"Thank you, Mr. Speaker."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tsuji rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I would really like to challenge the notion of us staying focused on the fact that people have concerns about the illegal use of marijuana because this bill is really not about that. The bill is about people who are really ill and mentally sick. There has been a lot of research and studies showing that marijuana can have a really good effect on certain people that are in pain, and possibly for cancer. It is relief.

"I want to remind people that there was the growing of poppy, and it can be turned into morphine that people do use in our hospitals to alleviate pain.

"What the State did many years ago was recognize the medical use of marijuana and how it does have a positive impact on certain conditions. In certain cases there is opportunity to really help certain patients. I think what this bill is saying is that what we have learned over the years since

we passed that law allowing medical marijuana is that the patients, the way that we put it into law, they have been allowed to grow a certain number of plants at their house. They have to qualify with a doctor, and they have to register with the Narcotics Division, the police, and everybody knows who has the medical marijuana.

"But what has happened is because of the nature of the illegal use of marijuana, is that people are actually breaking into these people's homes. These people are feeling threatened. They feel their life is in danger, and they have come to the Legislature and said, 'Please help us. Because we need the medical marijuana to help us, but we feel the way that it's being done now, it has our life threatened.'

"Now this Legislature has been debating this for several years as to how do we really manage this medical marijuana. And out of that we have one of our colleagues here that has really pushed the issue, and worked for developing a task force to try to bring parties together to understand this. So this law that we're looking at today is from many years and lots of discussion by people. The Drug Policy Forum has been an advocate for this. They have been working on that task force trying to solve the problems and the concerns of the law enforcement community.

"If you really look at the bill, I think it's a very interesting idea of establishing these Compassion Centers for the dispensing of medical marijuana. This means the law enforcement community will know exactly where the marijuana is being grown. It will be controlled. They will know who the users are and they will have to be certified. They will have to go through the process.

"We're putting a lot of conditions on this, and we're trying to manage this in a way so that everybody feels there's more control. It recognizes illegal use, versus medical use. And I think that is why we should keep this bill in discussion and move it forward. Thank you, Mr. Speaker."

At 12:26 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

At this time, the Chair announced:

"Members, the reason I called for the recess is that we have two Floor presentations and the recipients are here. We will continue our discussion on this page and the issue on this bill.

"So at this time, I'd like to go back to the beginning of the Order of the Day and take up our Floor presentations."

Representative Marumoto rose, stating:

"Mr. Speaker. I would like to speak in opposition to this bill as it passes Second Reading. The medical marijuana measure."

Vice Speaker Magaoay: "Representative Marumoto, I'm going to come back to that bill after the Floor presentations. And in fairness to everyone, I'm also asking if anyone else has introductions to make."

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Yamane announced that March is Social Work Month and recognized the many social work students seated in the gallery, in particular, Mr. Kerry Moeai, a social work student at BYU.

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 258) was announced by the Clerk and the following action taken:

H.R. No. 258, entitled: "HOUSE RESOLUTION HONORING THE JUNIOR ACHIEVEMENT OF HAWAII 2010 HAWAII BUSINESS HALL OF FAME INDUCTEES," was jointly offered by Representatives Marumoto and McKelvey.

Representative Marumoto moved that H.R. No. 258 be adopted, seconded by Representative McKelvey.

Representative Marumoto introduced Hall of Fame Laureate, Mr. Anthony Guerrero, Jr., retired Vice Chairman and Group Manager for the Retail Banking Group of First Hawaiian Bank who was seated on the Floor of the House.

Representative McKelvey introduced Hall of Fame Laureate, Dr. Tyrie Lee Jenkins, ophthalmologist and Medical Director of the Laser Eye Center who was seated on the Floor of the House.

Representative McKelvey also introduced Hall of Fame Laureate, Mr. Barry K. Taniguchi, President and Chief Executive Officer of KTA Super Stores who was seated on the Floor of the House.

Representative Marumoto then introduced family and friends who were seated on the gallery:

Mrs. Haunani Guerrero, wife of Mr. Anthony Guerrero, Jr.;

Mrs. Sandy Taniguchi, wife of Mr. Barry Taniguchi;

Mr. George Norcross, husband of Dr. Tyrie Lee Jenkins; and their family, daughter Ms. Annie Hiller and husband Mr. Dough Hiller; daughter Ms. Lindsay Norcross; and friends, Ms. Barbara Pleadwell, Ms. Pamela Utu, Ms. Valerie Bareng, Ms. Yolani Lacar, Ms Stephanie Mediowski, and Ms. Dannie Lovato.

Representative Herkes also congratulated Dr. Jenkins and thanked her for his wonderful eye care.

Representative Chang congratulated Mr. Taniguchi, noting his leadership in high school as Student Body President, football player and nerd.

Representative Ward commended the Laureates and thanked them for being role models in the community.

Representatives Yamane and Awana congratulated Mr. Guerrero and thanked him for his many contributions to the people of the Leeward Coast, especially in the area of healthcare.

The motion was put to vote by the Chair and carried, and H.R. No. 258 was adopted, with Representatives Manahan, M. Oshiro, Takumi and Thielen being excused.

The following resolution (H.R. No. 259) was announced by the Clerk and the following action taken:

H.R. No. 259, entitled: "HOUSE RESOLUTION COMMENDING THE EFFORTS AND BRAVERY OF THE SOLDIERS OF THE HAWAII ARMY NATIONAL GUARD AND THE HAWAII ARMY RESERVE AND THE AIRMEN AND AIRWOMEN OF THE HAWAII AIR NATIONAL GUARD ON THEIR RECENT DEPLOYMENT IN SUPPORT OF OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM," was jointly offered by Representatives Brower and Takai.

Representative Brower moved that H.R. No. 259 be adopted, seconded by Representative Takai.

Representative Brower recognized the soldiers of the Hawaii Army National Guard, the Hawaii Army Reserve, and the airmen and airwomen of the Hawaii Air National Guard and welcomed them home from their recent deployments.

Representative Brower then introduced the honorees seated on the Floor of the House:

Major General Robert Lee, representing the men and women of the Hawaii National Guard;

Colonel Bruce Oliveira and Command Sergeant Major Philip Umali, representing the 20th Infantry Brigade Combat Team; and

Chief Master Sergeant Ray Duropan, representing the Hawaii Air National Guard and the 154th Security Forces Squadron.

Representative Takai then commended the Hawaii National Guard, and thanked them for their dedication to country and the people of Hawaii; and gave personal thanks to the men and women that he had been recently deployed with: LTC Robert Lesher, MAJ Leif Fautanu, and MAJ Junior Faleafine.

Representative Takai also thanked the Body for passing the Hawaii State Legislature's Military Appreciation Package in 2004, and for their continued support of our military servicemembers and their families.

Representative Cabanilla commended the Hawaii National Guard for their service to the community in responding to natural disasters and emergencies; and also recognized fellow Hawaii National Guard service personnel, Major Mark Takai, Col. Lon Paresa (ret.), and Col. Ken Takeyama (ret.) of the Legislative Reference Bureau.

Representative Brower then introduced other honorees seated in the gallery:

Lt. Colonel Michel Peteers representing the 100th Battalion 442nd Infantry Regiment of the US Army Reserve;

Lt. Colonel Rudolph Ligsay representing the 1st Squadron 299th Cavalry Regiment Task Force Koa;

Lt. Colonel Robert Lesher representing the 1st Battalion 487th Field Artillery Regiment Task Force Hiki No;

Lt. Colonel Moses Kaoiwi representing the 29th Brigade Special Troops Battalion;

Lt. Colonel Keith Yoshida representing the 29th Brigade Support Battalion;

Technical Sergeant Darrilynn Lee representing the 201st Combat Communications Group; and finally,

The men and women of the United States Army Reserves, the Hawaii Army National Guard, and the Hawaii Air National Guard.

Representative Ward also thanked the men and women of the Hawaii National Guard and recognized the value of a civilian controlled military.

Representative McKelvey, as the Chair of Committee on Economic Development and Military Affairs, thanked General Lee for work with the Legislature to support our troops at home so they can do their work overseas.

Representative Takai then asked that the names of the service men and women seated in the gallery be included in the Journal.

HHC 29th IBCT
COL Bruce Oliveira;
CSM Philip Umali;
COL Kenneth Hara;
MAJ Leif Fautanu;
MSG Belynn Aquino;
SSG Hazel Donato;
CPT James Fe'a-Fiame;
SFC Jerry Yuen;
SGT Kimo Wong;
SSG Corinthia Lum;
SGT Norison Ibera;
SGT Edgar Mendoza;
SPC David Kamaka;
MSG Jerry Kikiloi;
SFC Brandon Kumalae; and
SGT Louis Race.

100-442 IN
LTC Michael Peeters.

1-299 CAV
LTC Rudolph Ligsay;
SFC Michael Mackinaw;
SFC Ferdinand Penaflor; and
SGT Julian Moralez.

1-487 FA
LTC Robert W. Lesher;
MAJ James A. Faleafine;
CPT David R. Hatcher II;
SFC William K. Kapana;
SFC Vladimir I. Hidrovo-Alban;
SFC Gilbert R. Tagaban;
SSG Ray H. Yamane;
SSG Damien R. Ragasa; and
SSG Christopher E.K. Duenas.

29th BSTB
LTC Moses Kaoiwi;
CPT Auredith Tumpap;
SFC Angel Aponte;
SFC Sueann Kauanui;
SFC Theodore Padua;
SFC Donovan Tuisano;
SSG Nicanor Abelardo;
SSG Sharde Marshall;
SSG Suiga Matautia;
SSG Jeffrey Neal;
SSG Franklin Vierra;
SGT Sheryllyn Banday;
SGT Andrew Yim; and
SPC Jeffrey Palomares.

29 BSB
LTC Keith Yoshida;
CSM Virgine Kanoa;
SFC Eugenia Gansit;
SFC Paul-Michael Hayes;
SFC Mathew Mitsui;
SFC Richard Sadiarin;
SFC Johnny Miyagishima;
SSG Rachel Betancourt;
SSG Daivan Bui;
SSG Ludyann Capitle;
SSG Eunjin Chang;
SGT Jackie Andrea Fuertes;
SGT Clayton Mitsui Jr.; and
SGT Rayarchie Rosete.

The motion was put to vote by the Chair and carried, and H.R. No. 259 was adopted, with Representatives Keith-Agaran, Manahan, M. Oshiro, Takumi and Thielen being excused.

At 1:03 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"Members, first of all I'd like to apologize for interrupting our lively discussion on page 5. At this time we'll go back to page 5 and Stand. Com. Rep. No. 716-10. Is there any further discussion?"

Stand. Com. Rep. No. 716-10 and S.B. No. 2213, SD 2, HD 1:

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. In support with reservations. The support is along with what the Representative from Kona was saying. There are medicinal effects of marijuana, be it a placebo or actual effect on our system. I do know from my nursing background that there are a lot of medications that come from herbs and different kinds of plants like digitalis or digoxin which comes from plants. Also methyldopa for blood pressure comes from plants.

"But forget that, Mr. Speaker. Let's just talk about chocolate. Chocolate has a lot of good things and it's a plant just like marijuana. I'm really surprised that there's not much research into the other effects of marijuana. We do know from hearings from a lot of locals that it has a lot of good effects. So in that sense, I support it.

"I think my reservation comes from the fact that we spend a lot of money trying to track down those people who abuse the drugs. I think of it as a drug. Other people think of it as a source of a high. But I think that we should really entertain this as it goes forward because like I said, there are a lot of medicinal effects to marijuana. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition, and I'll try to be as brief as possible. I'm open to the fact of using marijuana for medicinal purposes. Doctors tell me if there were some way they could ascertain the strength of it or the dosage, the necessary dosage, but there is a lot we don't know about it. But I'm very apprehensive since marijuana is still illegal on the federal level.

"We have many statutes on the books against marijuana use, and I notice there was a THC Ministry in Hilo that was raided very recently. For what reason, I'm not really sure, but I think somehow they must have broken the law.

"So I don't like the law flaunted in case there is misuse of marijuana. So just to flag out this point, I'm voting no at this point. Thank you."

Representative M. Lee rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in opposition with just a few comments. I appreciate the comment about chocolate. Actually it is, believe it or not. Laughable as it sounds, it is being researched for certain medicinal things.

"But anyhow, that being what it is, back to marijuana. I just wanted to address one of the comments made by my very well-respected Representative from the Big Island regarding the police. And if I could just say that it says here: 'We testify together to express our strong and unified opposition to this bill,' and you have here the Chief of Police: Honolulu Police Department, Hawaii County Police Department, Kauai Police Department, Maui Police Department. It goes on and on, and all the prosecuting attorneys who deal with this on a day-to-day basis, on the front lines of it. Their concern to legalize this serious conduct I guess, that they're concerned about with this drug.

"It says, 'This bill ignores the serious law enforcement and social issues that are certain to arise out of the proliferation of Compassion Centers.' I don't think we have the money to fund additional police to take care of another issue. I don't think we want another issue like this, and it just bears in mind, my husband was an emergency room physician for 10 years and I would hate to see this be a gateway drug to other more serious drugs like crystal meth. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to S.B. 2213 SD2 HD1 – Relating to Counties. This measure provides that each county has the power to establish compassion centers for the dispensing of medical marijuana.

"We must not be blind to the concerns of some of our most respected officials, as the Attorney General, all county police chiefs, the Director of Public Safety, and all county Prosecuting Attorneys oppose this measure. According to these officials, "jurisdictions that have established marijuana dispensaries have experienced serious negative effects, [and]…have experienced increased crime and a significant decrease in the quality of life."

"Furthermore, this bill will not only legalize some degrees of criminal conduct such as establishing money-making marijuana enterprises, it will counteract federal laws regarding the distribution of marijuana. Thank you."

Representative Bertram rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this bill. Just some brief comments. You know, we keep going back and forth about all these various things, over and over again. But I was struck by the comments made by the Chair of the Health Committee when we passed it out of that Committee to be considered by Judiciary. And he said he just wants this to be treated like any other drug, and that's all this bill does. It treats it like any other drug.

"And the more we start doing that, the more we start taking away all this emotion, all this misinformation, all these ideas about it being a gateway drug and those other types of things. Let's just make it equal. Let's let people who have licenses for it, get it and have access to their medicine in a compassionate way. And so that's what I'm hoping people will support. Thank you."

Representative Hanohano rose to speak in support of the measure, stating:

"Mahalo, Ho'omalu 'ōlelo.

"Ke kū nei au i koho 'ae loa e pili ana kēia pila. He pila maikai'i kēia. 'O kēia pila e kokua ana nā po'e ma'i. E alu like kākou e ka ho'opuka ana no kēia pila. Pehea ho'i la nā po'e ma'i e ho'ola ai? He pila pono kēia. Na ka pomaika'i a me ka maluhia 'iā kā kākou ma keia kau wī. E holo mua kākou i na hana pono.

"Aia i hea ke Aloha nō na po'e ma'i ma kēia honua. E alu like kākou i ka lokahi. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker, I rise in strong support for this bill. This is a good bill. This bill helps the sick. We need to pass this bill. How will the sickly be healed? This is a righteous bill.

May the blessings and peace be with all of us in this recession. Let us all do the right thing. Where is the Aloha for the sick? Let's work together in the spirit of *lokahi*/balance. Thank you.

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. This bill simply tries to solve a problem created by this legislative Body back, I believe, in 2002 when

we passed the Medical Marijuana Card Law. The problem we created with that law was we have no policy or way of dispensing that particular product. We have many drugs in our land that are controlled substances, and they're managed. That's all this particular bill is trying to do. It is to start that process, Mr. Speaker. Thank you."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to this measure. SB 2213 provides that each county has the power to establish compassion centers for the dispensing of medical marijuana to qualifying patients and primary caregivers registered with the department of public safety. The measure also imposes a general excise tax on marijuana sales and a registration fee on compassion centers, to be shared with counties.

"This measure essentially legalizes marijuana, ostensibly to assist those with severe medical issues. However, the second part reveals the more insidious nature of this bill. Mr. Speaker, this controversial issue is only gaining additional traction because the Legislature sees the sale of marijuana as a way to generate revenue for the State and alleviate our budget woes.

"We try hard to emphasize the danger of drugs. Our legalizing one drug because of its money-making potential completely undercuts our message on drugs overall. It is also a well documented fact that in jurisdictions that have legalized marijuana, a dramatic increase in crime has ensued. SB 2213 not only sends the wrong societal message, it will also make Hawaii a less safe place for all of our citizens."

Representative Ward rose to respond, stating:

"Mr. Speaker, just one brief rebuttal. The Representative from Maui, yes we want to treat it like any other drug. But as I recall a meeting with Hina Mauka which handles all the drug cases, the Director reminded me that when marijuana first came to America, it was the marijuana. It was not the gateway. It was the recreational drug and it was an addition to drinking and other things. Kind of a fun thing.

"Now if you look at the marijuana that's out there now, it's 25 to 30 times more powerful, and more potent. What that can do. It is nothing like what it used to be. And what it is now is sometimes frighteningly more powerful than any other of the drugs that stay consistent. This one by hybrid, or interbreeding new species, different countries come in. This is not a constant drug. It's increasingly getting more powerful and right now, according to Hina Mauka, it's 25 to 30 times more than it used to be. Thank you."

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I'd like to offer a few comments. Although I know this issue is very controversial, I must say that I have known many veterans who have come back from Vietnam and other places who have expressed concerns because the pharmaceutical pain killers do not work for them and have caused other ailments. By their usage and their medical marijuana prescription, it has produced for them a better quality of life in enduring their pain and its management.

"Also, we have elders who have expressed in so many meetings that I've had in my community of how this has improved their quality of life.

"I know there's concerns in regards to the Compassion Center. How can we look at restrictions, and how can we enforce what the possibilities of abuse could be. But like any other drug, there is prescription drug abuse as well. I think the support for this is to offer a way, because the federal government has this as an illegal drug. Where can people who have the prescription which this State provides and gives that right, where can they get this in a legal way so that they're able to have a better quality of life? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2213, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Ching, Choy, Finnegan, M. Lee, Marumoto, Pine, Takai, Tokioka and Ward voting no, and with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 717-10) recommending that S.B. No. 2449, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2449, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 718-10) recommending that S.B. No. 2897, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 719-10) recommending that S.B. No. 2335, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2335, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 720-10) recommending that S.B. No. 2169, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2169, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 721-10) recommending that S.B. No. 2409, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 722-10) recommending that S.B. No. 2885, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2885, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 723-10) recommending that S.B. No. 2919, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2919, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," passed Second Reading and was referred to the Committee on Public Safety, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 724-10) recommending that S.B. No. 2494, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2494, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2494, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 725-10) recommending that S.B. No. 2599, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2599, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 726-10) recommending that S.B. No. 2600, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2600, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 727-10) recommending that S.B. No. 2529, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2529, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 728-10) recommending that S.B. No. 2726, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2726, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2726, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 729-10) recommending that S.B. No. 2222, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2222, SD 1, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2222, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 730-10) recommending that S.B. No. 2124, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2124, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just want to note my reservation with a couple of comments. Basically this would use some of the Hurricane Relief Fund to help balance the budget and for other reasons.

"I support this measure since we're running out of options, but I hope that as we are looking into this area to use this, that we make sure that we can work with the federal government to ensure that we will be taken care of should there be a hurricane in the State of Hawaii. I hope that we just definitely tread lightly in this area, and make sure that we can take care of the people of Hawaii should there be a natural disaster."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support with reservations of SB 2124, Relating to the Hawaii Hurricane Relief Fund. We need to get our kids back to school on Fridays. But we also need an audit of the DOE to figure out why it costs so much to give our public school students the quality of education that they're getting.

"My reservations stem from the fact that this solution to furloughs would take money out of a fund created by a homeowner tax that's set up specifically for hurricane relief. It's an important fund, since we can't control the weather. For these reasons, Mr. Speaker, I support SB 2124 with reservations."

Representative Finnegan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise with reservations on SB 2124. Although this measure is well-intentioned, I do have concerns with several aspects of this bill. First, SB 2124 raids the Hurricane Relief Fund solely for educational purposes, in this case, restoring the days lost to furloughs. Additionally, raiding this fund seems somewhat unfair given the mandate and need for the original fund.

"If a hurricane should happen to hit, Hawaii may be in the same situation it was post Hurricane Iniki. Hawaii's residents were forced to pay into this fund for one express purpose, not to be the quick fix to the crisis de jour of each successive Legislature.

"Lastly, I understand and empathize with the impetus to raid the Hurricane Relief Fund to fix Furlough Fridays; however, it concerns me that this measure does not take into consideration other vital human services. None of these services that also suffer during a recession would be eligible to receive any of the funds."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2124, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 731-10) recommending that S.B. No. 2709, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2709, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 732-10) recommending that S.B. No. 2828, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2828, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 733-10) recommending that S.B. No. 2570, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2570, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Bertram rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2570, SD 1, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Carroll, Hanohano, McKelvey, Rhoads and Souki voting no, and with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 734-10) recommending that S.B. No. 2571, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2571, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to SB 2571. This measure requires the members of the Board of Education to be nominated and, by and with the advise and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council.

"The Department of Education is in desperate need of accountability and I do believe that a Governor is in the best position to ensure results from the Department. However, I disagree with this bill's approach in mandating that candidates for gubernatorial appointment must come from the newly established Board of Education Selection Advisory Council. In seeking to achieve impartiality, the reliance on this Council will achieve the same outcome that we are currently trying to remedy. The Governor could theoretically be forced to choose from board candidates that may disagree with the Governor's vision for the Department of Education. In such a scenario, we would have the exact situation we now have: a dysfunctional board with no clear line of accountability and management responsibility.

"This is why I support the Superintendant of Education reporting directly to the Governor in lieu of a Board of Education "middle man." If we are going to make educational reforms, we should truly reform the system, not tinker with it."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Bertram rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2571, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Bertram, Carroll, Finnegan, Hanohano, McKelvey and Souki voting no, and with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 735-10) recommending that S.B. No. 2226, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2226, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 736-10) recommending that S.B. No. 2716, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2716, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 737-10) recommending that S.B. No. 2601, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2601, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen were excused.)

THIRD READING

S.B. No. 2740:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Third Reading by a vote of 46 ayes, with Representatives Berg, Keith-Agaran, Manahan, Takumi and Thielen being excused.

At 1:32 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2740

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, today is independence day for Mauritius. Why would we mention that? Because Africa usually gets a bad rap about economic development, but this is one of the richest and most developed countries of Africa. It's off the coast of Africa in the Indian Ocean, just east of Madagascar. Thank you."

Representative Ching: "Thank you, Mr. Speaker. On behalf of the Representative from Waimea and myself, we invite you to the Historic Preservation Awareness Day this coming Monday from 9:00 a.m. until 12:00. Please look out for your favorite historic organization on the Third Floor on the railing. I also wanted to thank the Representative of Aina Haina who's not here right now, for her topic selection this year, for historic preservation. Thank you."

ADJOURNMENT

At 1:34 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 15, 2010. (Representatives Berg, Herkes, Keith-Agaran, Manahan, Takumi and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 12, 2010 from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 2427, HD 1, SD 1

THIRTY-FIRST DAY

Monday, March 15, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by members of the Youth Speaks Hawaii award winning team, Jill Fukumoto, Harrison Ines, Alaka'i Kotrys, Jocelyn Ng and Jamaica Osorio, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Manahan and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirtieth Day was deferred.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Nakashima introduced Paauilo Elementary and Intermediate School students, Dayson Alip, Kaili Brennaman, Sione Epanesa, Chancis Ferdnandez, Elle Carvalho, Daisha Acorda, Nathan Tabucbuc, Johnathan Ancheta, and their advisor Mr. Dean Alip. They were accompanied by Senator Takamine's legislative staff, Ms. Shauna Lau Kong.

Representative Pine introduced her friends, Mr. John Bond of Save Ewa Air Field; and Mr. Brad Hayes, Director of Barber's Point Naval Air Museum.

Representative Chong introduced friends from the National Conference of State Legislatures, Ms. Corina Eckl, Ms. Irene Kawanabe and Ms. Linda Sikkema.

Representative Morita, on behalf of the Kauai delegation, introduced Ms. Casey Nakamura, 8th grade student at Kapaa Middle School, who was here shadowing Representative Saiki.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.C.R. Nos.	Re-referred to:
12	Committee on Housing, then to the Committee on Judiciary
118	Committee on Hawaiian Affairs, then to the Committee on Judiciary

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 260) was announced by the Clerk and the following action taken:

H.R. No. 260, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE SUSTAINABLE UH PROGRAM AND THE HELP US BRIDGE TEAM FOR THEIR CONTRIBUTIONS TO CREATING A SUSTAINABLE ENERGY FUTURE FOR THE UNIVERSITY OF HAWAII SYSTEM AND THE COMMUNITIES OF HAWAII," was offered by Representative C. Lee.

Representative C. Lee moved that H.R. No. 260 be adopted, seconded by Representative Nakashima.

Representative C. Lee congratulated and thanked the Sustainable UH Program and the Help Us Bridge team for their accomplishments and dedication to establishing a model of a sustainable future for the University of Hawaii System and for the communities of Hawaii.

Representative C. Lee then introduced honorees seated on the Floor of the House:

Ms. Shanah Trevenna;
Mr. Sean Connelly; and
Ms. Tamara Armstrong.

The motion was put to vote by the Chair and carried, and H.R. No. 260 was adopted, with Representatives Carroll, Manahan and Takumi being excused.

The following resolution (H.R. No. 261) was announced by the Clerk and the following action taken:

H.R. No. 261, entitled: "HOUSE RESOLUTION CONGRATULATING AND RECOGNIZING YOUTH SPEAKS HAWAII FOR WINNING THE 2008 AND 2009 BRAVE NEW VOICES INTERNATIONAL YOUTH POETRY SPOKEN WORD COMPETITIONS AND FOR THEIR OUTSTANDING ACHIEVEMENTS AS REPRESENTATIVES OF THE YOUTH OF HAWAII," was jointly offered by Representatives Belatti, Aquino, Awana, Berg, Carroll, Choy, Coffman, Hanohano, Har, Ito, Karamatsu, C. Lee, Luke, Marumoto, Nishimoto, B. Oshiro, Shimabukuro, Ward and Bertram.

Representative Belatti moved that H.R. No. 261 be adopted, seconded by Representative Berg.

Representative Belatti honored and recognized Youth Speaks Hawaii as a leading presenter of spoken word performance, education and youth poetry in the State, and congratulated them on their success as winners of the Brave New Voices International Youth Poetry spoken word competitions in 2008 and 2009.

Representative Berg congratulated the Youth Speaks Hawaii champion team, and recognized team members who could not be here today, Ittai Wong and William Giles.

Representative Berg then introduced honorees seated on the Floor of the House:

Ms. Jill Fukumoto, Kalani High School senior, and future student at the University of Wisconsin at Madison;

Mr. Harrison Ines, Farrington High School graduate, and current student of Kapiolani Community College;

Mr. Alaka'i Kotrys, Halau Ku Mana senior;

Ms. Jocelyn Ng, Kalani High School graduate, and current student at Kapiolani Community College; and

Ms. Jamaica Heolimeleikalani Osorio, Kamehameha High School graduate, and current student at Stanford University.

Representative Belatti introduced supporters of Youth Speaks Hawaii who were seated in the Gallery:

Ms. Nancy Aleck, Executive Director of Hawaii People's Fund; and

Ms. Mary Cristofori, Chief Executive Officer of Hawaii Alliance for Arts Education.

Representative Belatti also introduced the primary organizers of Youth Speaks Hawaii who were seated in the Gallery:

Ms. Lyz Soto, Executive Director;

Mr. Darron Cambra, Arts and Education Director;

Mr. Travis Thompson, Program Director; and

Mr. Tui Scanlan, Mentor.

The motion was put to vote by the Chair and carried, and H.R. No. 261 was adopted, with Representatives Carroll, Manahan and Takumi being excused.

At 12:31 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 738-10) recommending that S.B. No. 2386, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2386, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2386, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 739-10) recommending that S.B. No. 2389, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 740-10) recommending that S.B. No. 2649, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2649, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 741-10) recommending that S.B. No. 2183, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2183, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 742-10) recommending that S.B. No. 2076, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2076, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 743-10) recommending that S.B. No. 2143, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 744-10) recommending that S.B. No. 2772, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2772, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Manahan, Souki and Takumi being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 745-10) recommending that S.B. No. 2454, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2454, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Manahan, Souki and Takumi being excused.

ANNOUNCEMENTS

Representative Shimabukuro, for the Committee on Hawaiian Affairs requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on March 17, at 10:00 a.m. in Conference Room 329, and the Chair "so ordered."

HCR 118, which is urging DHHL to adopt and implement new administrative rules to prohibit a beneficiary from applying for a Hawaiian Homelands lease if that person already received a lease award and sold, unless there are compelling or persuasive reasons for selling the lease.

Representative Ching: "Thank you, Mr. Speaker. I just wanted to remind everybody as you already probably know, it's Historic Preservation Awareness Day, the 7th or 8th annual. For those of you who did RSVP in the affirmative, just a reminder that there is a thank you volunteer reception across the street at 3:30. Thank you."

Representative Belatti: "Thank you, Mr. Speaker. Just two brief announcements. We wanted to invite colleagues to join me in Room 329 for lunch with Youth Speaks Hawaii.

"My second announcement is to recognize and ask everyone to join me in singing a Happy Birthday to our 39 year old Representative from Aina Haina, Representative Lyla Berg, at the end of this. Thank you."

ADJOURNMENT

Representative Evans moved that the House adjourn until 12:00 o'clock noon tomorrow, Tuesday, March 16, 2010, seconded by Representative Pine and carried. (Representatives Brower, Carroll, Manahan, Souki and Takumi were excused.)

At this time, the Members of the House of Representatives stood and sang *Happy Birthday* to Representative Berg.

At 12:46 o'clock p.m., the Chair rapped his gavel and the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 16, 2010.

THIRTY-SECOND DAY

Tuesday, March 16, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:07 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Speaker Emeritus Joseph M. Souki, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Manahan, Nishimoto, M. Oshiro and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-First Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 206 and 207) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 206, informing the House that on March 15, 2010, the following bill was signed into law:

S.B. No. 520, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT." (ACT 003)

Gov. Msg. No. 207, informing the House that on March 15, 2010, the following bill was signed into law:

S.B. No. 2246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS." (ACT 004)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 341 through 346) were received and announced by the Clerk:

Sen. Com. No. 341, transmitting S.C.R. No. 80, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," which was adopted by the Senate on March 15, 2010.

Sen. Com. No. 342, transmitting S.C.R. No. 88, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR REPEAL OF THE DON'T ASK DON'T TELL POLICY OF THE UNITED STATES ARMED SERVICES," which was adopted by the Senate on March 15, 2010.

Sen. Com. No. 343, transmitting H.B. No. 2028, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," which passed Third Reading in the Senate on March 15, 2010.

Sen. Com. No. 344, transmitting H.B. No. 2136, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," which passed Third Reading in the Senate on March 15, 2010.

Sen. Com. No. 345, transmitting H.B. No. 2546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on March 15, 2010.

Sen. Com. No. 346, transmitting H.B. No. 2708, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 15, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Manahan, Nishimoto, M. Oshiro and Say were excused.)

H.B. No. 2028, (SD 1)
H.B. No. 2136, (SD 1)
H.B. No. 2546, (SD 1)
H.B. No. 2708, HD 1, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Awana introduced a mentor from the Waianae Coast, Ms. Sandra Aken.

Representative Ching introduced Ms. Kathy Matayoshi, interim Superintendant of the Department of Education.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.	Re-referred to:
73	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

H.C.R. No.	Re-referred to:
132	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATION)

The following resolution (H.R. No. 262) was announced by the Clerk and the following action taken:

H.R. No. 262, entitled: "HOUSE RESOLUTION CONGRATULATING WIMA CHULAKOTE AS THE 2010 HAWAII STATE TEACHER OF THE YEAR, AND CHRISTINE HO, JULIA ROSE LOPRESTI, KATHY LIN, SAMANTHA FUNES, EMILY HAINES-SWATEK, AND CRYSTAL ISHIDA AS THE 2010 HAWAII STATE DISTRICTS TEACHERS OF THE YEAR," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 262 be adopted, seconded by Representative Berg.

Representative Takumi introduced and commended Mr. Wima Chulakote, math teacher at Olomana School, Windward District Teacher of the Year, and the 2010 Hawaii State Teacher of the Year.

Representative Berg then introduced the following District Teachers of the Year and thanked them for their dedication and commitment to Hawaii's keiki:

Ms Christine Ho, digital media teacher at Farrington High School and the 2010 Honolulu District Teacher of the Year;

Ms. Julia Rose LoPresti, drama instructor at Aiea Intermediate School and the 2010 Central District Teacher of the Year;

Ms. Kathy Lin, science teacher at Highlands Intermediate School and the 2010 Leeward District Teacher of the Year;

Ms. Samantha Funes, reading and computer teacher at Keonepoko Elementary School and the 2010 Hawaii District Teacher of the Year;

Ms. Emily Haines-Swatek, Career and Technical Coordinator at King Kekaulike High School and 2010 Maui District Teacher of the Year; and

Ms. Crystal Ishida, 4th and 5th grade teacher at Kekaha Elementary School and 2010 Kauai District Teacher of the Year.

Representative Takumi then recognized the many family, friends and colleagues who were seated in the gallery:

Wima Chulakote:
August Suehiro, Olomana Principal;
Peter Tovey, Olomana VP;
Ellen Schroeder, Olomana;
Debbie Heyler, Olomana Coodinator;
Rene Iwamoto, Olomana School Nurse & daughter, Jamie Iwamoto;
Mira Soekias, Wife and Fern Elementary School teacher;
Maheswary Post, Olomana teacher;
Bill Post, Retired teacher; and
Dr. Aida Martin, Retired teacher.

Christine Ho:
Bob Miller, husband.

Julia Rose LoPresti:
Matthew LoPresti, husband;
Nina LoPresti, daughter;
Steve & Ruby Avilla, father & mother;
Family visiting from North Carolina: Tom LoPresti, Casey Howell & Donna Howell; and
Amanda Avilla, aunty.

Kathy Lin:
Samuel Lin, husband;
Brandon Lin, son;
Bing Ran Lin, father-in-law;
Janet Lin, sister-in-law;
Derrick Sng, nephew;
Tyler Tse, nephew; and
Naomi Tse, niece.

Samantha Funes:
Paku Funes, husband.

Special Guests:
Commander Captain Kasem Niamchay, wife and two children, Center for Naval Strategies Studies, Naval Education Department, Royal Thai Navy, Thailand;
Pol. Col. Surat Arunlerktawin, Deputy Commander, Police Education Bureau, Royal Thai Police, Thailand; and
Mr. Kurkkrit Chaisirikui, Treasury Department, Thailand

The motion was put to vote by the Chair and carried, and H.R. No. 262 was adopted, with Representatives Carroll, Manahan and Nishimoto being excused.

At 12:24 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 746-10) recommending that S.B. No. 1315, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1315, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 747-10) recommending that S.B. No. 2019, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2019, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2019, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 748-10) recommending that S.B. No. 2441, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 2441, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 749-10) recommending that S.B. No. 2159, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2159, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2159, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 750-10) recommending that S.B. No. 707, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Legislative Management and the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 707, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Second Reading and was referred jointly to the Committee on Legislative Management and the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 751-10) recommending that S.B. No. 2054, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2054, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 752-10) recommending that S.B. No. 2502, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2502, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Just some very brief comments. I'd like to thank the Chair of Public Safety for moving this issue along. I think the worth and value of the Civil Air Patrol was more than proven by the recent tsunami. Should it had been a disastrous event, think of all the people whose lives would have been in peril by not getting the necessary information in time. Thank you."

Representative Pine rose in support of the measure and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2502, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 753-10) recommending that S.B. No. 2702, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2702, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 754-10) recommending that S.B. No. 2817, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2817, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 755-10) recommending that S.B. No. 2357, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 756-10) recommending that S.B. No. 2461, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2461, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. I will be voting no on this measure. I feel that the increase is excessive."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just note my reservations on this matter. I will reserve comment until Third Reading if it comes back."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2461, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Marumoto, Pine and Ward voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 757-10) recommending that S.B. No. 2701, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2701, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 758-10) recommending that S.B. No. 2910, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2910, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 759-10) recommending that S.B. No. 2399, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2399, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 760-10) recommending that S.B. No. 2809, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2809, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 761-10) recommending that S.B. No. 2661, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2661, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Luke rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like to disclose a potential conflict. The law firm that I work for has a claim listed in this bill. Thank you," and the Chair ruled, "no conflict."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, request for a ruling on a potential conflict. The law firm I work for has a claim in this bill," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2661, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 762-10) recommending that S.B. No. 2385, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2385, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 763-10) recommending that S.B. No. 2837, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Chang and Karamatsu, for the Committee on Higher Education and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 764-10) recommending that S.B. No. 2387, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2387, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition of this measure. Thank you. This bill allows the University to increase campus parking fees without public notice, public hearing, or gubernatorial approval process requirements as specified in Hawaii's Administrative Procedures Law.

"The concern that I have is, years ago when I was a student at the University and the University Administration proposed these types of measures. I think it was incumbent upon the Administration to work with the students. Student leaders throughout the UH System testified *en masse* against this particular measure, and it's clear to me that the Administration has not yet convinced the student leaders throughout the System that there are assurances written in this bill, as well as the UH Administrative Rules that will allows for student input prior to any increase.

"I think without the support of the students, we do, I believe, have some serious issues in regards to this particular proposal. So I urge my colleagues to take a look at this, and I oppose this measure. Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Luke rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2387, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Berg, Hanohano, Luke, Pine and Takai voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 765-10) recommending that S.B. No. 2277,

SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2277, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2277, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Marumoto voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 766-10) recommending that S.B. No. 2575, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2575, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. Please note my serious reservations with this bill before us. Thank you, very much."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2575, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 767-10) recommending that S.B. No. 2831, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2831, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 768-10) recommending that S.B. No. 2368, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2368, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 769-10) recommending that S.B. No. 2957, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2957, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2957, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 770-10) recommending that S.B. No. 2117, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2117, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 771-10) recommending that S.B. No. 2172, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2172, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 772-10) recommending that S.B. No. 2256, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2256, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was

referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 773-10) recommending that S.B. No. 2349, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 2349, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Takai voting no, and with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 774-10) recommending that S.B. No. 2470, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2470, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATION TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 775-10) recommending that S.B. No. 2257, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2257, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 776-10) recommending that S.B. No. 2115, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2115, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 777-10) recommending that S.B. No. 2591, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2591, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 778-10) recommending that S.B. No. 2346, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2346, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 779-10) recommending that S.B. No. 2873, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2873, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2873, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 780-10) recommending that S.B. No. 2563, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 781-10) recommending that S.B. No. 2565, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2565, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 782-10) recommending that S.B. No. 2325, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2325, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 783-10) recommending that S.B. No. 2175, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2175, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 784-10) recommending that S.B. No. 2174, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 785-10) recommending that S.B. No. 2691, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2691, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 786-10) recommending that S.B. No. 2394, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 787-10) recommending that S.B. No. 2549, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2549, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 788-10) recommending that S.B. No. 2626, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2626, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, this bill is so bad I beg your indulgence to say a few words. It's so bad. It's so bad, it makes no sense. It's the companion of the, 'get Pearl Iboshi' bill that we have. This is the Senate's version of that. It basically puts a black list out on anybody who's received a political appointment, and puts a stigma and a reporting to the political body. If you're a political appointee. It's basically anti-American, McCarthyistic, promotes dumbing down of our civil service to make sure we got a watch on who these guys are who took political appointments. It makes a mockery of really the civil service system.

"A lot of people come out of it, they go into it and they're going to be marked individuals. I think that's very divisive for a place that calls itself the Aloha State. If we put this sign and signal into government, which heretofore for all the generations of all the governments in statehood, we've never needed it before, and now have this. This is bad public policy, Mr. Speaker. Sorry I took up your time, but it's so bad it needs to be spoken on, on First, Second, Third, Fourth, Fifth, and all the Readings that this will ever be lasting. Thank you."

Representative Evan rose, stating:

"Mr. Speaker, can the previous speaker yield to a question?"

Representative Ward: "With pleasure."

Representative Evans: "Thank you. When I read the bill and the Standing Committee Report, I don't see how you got to where it applies to elected officials. How did you come to that conclusion?"

Representative Ward: "It says the political appointees have to report to the elected officials. That is us, the Legislature. We want to keep a count and a list of everybody who's been appointed to the government so we know who they are, and where they are. And if there's a probationary period, which as I said is in the sister bill, the Pearl Iboshi bill, we want to make sure they don't get back into civil service until at least, in the bill the House has, for one year. Or for whatever the other gymnastics we are forcing them to go through."

Representative Evans: "Thank you, Mr. Speaker."

Representative Ward: "Thank you, for that question."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker. In support. I just want to say that I don't see how this bill rises to the level of McCarthyism. That seems like kind of overheated rhetoric to me. I do think there's a legitimate question about not just in this Administration, but in any Administration that takes political appointees and tries to, what is commonly referred to as 'burrowing.' And this is an anti-burrowing bill. We'll see how it turns out. It goes on to another Committee after this. Mahalo"

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, with strong reservations. I believe this bill sets a precedent that we don't need. Thank you."

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to respond, stating:

"I just want to explain my no vote. Based on what this bill does, it requires every State agency to report to the Legislature all non-civil service temporary employees employed by the agency for each quarterly period of

the fiscal year not later than the 15th day following the end of each quarterly period.

"On that particular point, Mr. Speaker, if this Legislature is willing to publicly disclose all of our political appointees in every single department that we have placed them in, then I would be much more in favor of that section of the bill. I think that's my biggest opposition."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2626, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan, Marumoto, Pine, Thielen and Ward voting no, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 789-10) recommending that S.B. No. 2699, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2699, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 790-10), recommending that H.R. No. 21, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 791-10), recommending that H.C.R. No. 61, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 792-10), recommending that H.R. No. 65, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 65, entitled: "HOUSE RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 793-10), recommending that H.C.R. No. 117, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 794-10), recommending that H.C.R. No. 123, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 123, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker. I stand in very strong support and would like to submit written comments please."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of HCR 123, relating to recognizing aerospace as a strategic and timely growth industry for Hawaii and requesting the state administration to take proactive, coordinated and sustained action to fully realize the significant, educational, and commercial benefits the aerospace industry can bring to the state.

"The aerospace industry can serve as a catalyst for innovation in Hawaii, bringing more scientific research and high tech jobs to the state. Not only would aerospace diversify our economy, it would support our existing tourism industry with new activities and faster flights to and from other spaceports in the world.

"Aerospace provides Hawaii with a lot of potential for economic and scientific advancement. But we have to work for it. We've already taken steps, like spending $500,000 for our space port license's environmental impact statement. But we need to aggressively follow through. For these reasons, Mr. Speaker, I support HCR 123."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," was referred to the Committee on Finance, with Representatives Carroll, Ching, Manahan and Nishimoto being excused.

ANNOUNCEMENTS

Representative Cabanilla, for the Committee on Housing requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Wednesday, March 17, at 9:20 a.m. and the Chair "so ordered."

S.B. No. 2473, SD 1, Relating to Housing, which allows grandchildren of elderly people living in elderly housing to reside there on a temporary basis in certain situations.

Representative Yamane: "Mr. Speaker, I would like to announce that a fellow colleague of ours, the Representative from Upcountry Maui

Ulupalakua, he and his wife celebrated their 26th anniversary yesterday. So I think his wife deserves a certificate."

ADJOURNMENT

At 1:01 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 17, 2010. (Representatives Carroll, Ching, Manahan and Nishimoto were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 2028, SD 1
H.B. No. 2136, SD 1
H.B. No. 2546, SD 1
H.B. No. 2708, HD 1, SD 1

THIRTY-THIRD DAY

Wednesday, March 17, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:10 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Pastor Nomura DeSaegher of the Waipahu United Church of Christ, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Manahan, M. Oshiro and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 208 and 209) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 208, informing the House that on March 16, 2010, the following bill was signed into law:

S.B. No. 549, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT." (ACT 005)

Gov. Msg. No. 209, informing the House that on March 16, 2010, the following bill was signed into law:

S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS." (ACT 006)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 347 and 348) were received and announced by the Clerk:

Sen. Com. No. 347, transmitting H.C.R. No. 18, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," which was adopted by the Senate on March 16, 2010.

Sen. Com. No. 348, dated March 16, 2010, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 466, SD 2, HD 1
S.B. No. 898, SD 2, HD 1
S.B. No. 1059, SD 2, HD 3

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 11 and 12) were received by the Clerk and were placed on file:

Misc. Com. No. 11, dated March 11, 2010, from Kenneth G. Goodenow, County Clerk, County of Hawaii, transmitting a copy of Resolution 281-09 [*sic*], which was adopted by the Council of the County of Hawaii on January 22, 2010 [*sic*].

Misc. Com. No. 12, dated March 11, 2010, from Kenneth G. Goodenow, County Clerk, County of Hawaii, revising a previous communication, transmitting a copy of Resolution 298-09 (Draft 2), which was adopted by the Council of the County of Hawaii on March 3, 2010. (See Misc. Com. No. 11)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Thielen introduced the Phelps family: Mr. Chad and Mrs. Robin Phelps, Ms. Chanelle Phelps and Mr. Toby Phelps.

Representative Awana introduced homeless advocates from the Waianae Community Outreach: Ms. Kanani Bulawan, Past Executive Director; and Ms. Sophia Placentia, Executive Director. They were accompanied by legislative staff, Ms. Keonaona Lucus.

Representative Takai introduced Pastor Nomura DeSaegher who gave today's invocation, and her nephew Mr. Calvin Taniguchi. They were accompanied by Representative Takai's mother, Mrs. Naomi Takai.

Representative Berg introduced Mr. Ronn Nozoe, Deputy Superintendent of Education.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	Referred to:
80, SD1	Committee on Public Safety, then to the Committee on Finance
88, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.	Re-referred to:
1062, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2109, SD2	Committee on Finance
2144, SD2	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 263) was announced by the Clerk and the following action taken:

H.R. No. 263, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE LEGISLATIVE REFERENCE BUREAU'S PUBLIC ACCESS ROOM ON ITS TWENTIETH ANNIVERSARY AND COMMENDING ITS CONTINUED SERVICE TO THE PUBLIC," was jointly offered by Representatives Evans and Tokioka.

Representative Evans moved that H.R. No. 263 be adopted, seconded by Representative Tokioka.

Representative Evans congratulated the Public Access Room on their twentieth anniversary, and recognized them as being the first, and

currently the only full service public access resource in the nation, and thanked them for all the help they provide the public.

Representative Tokioka introduced honorees who were seated on the Floor of the House:

Ms. Suzanne Marinelli, Public Access Coordinator;

Ms. Virginia Beck, Assistant Public Access Coordinator;

Mr. Larry Kamakawiwo'ole, Researcher;

Ms. Sherrie Sato, Researcher; and

Mr. Ken Takayama, Director of the Legislative Reference Bureau.

The motion was put to vote by the Chair and carried, and H.R. No. 263 was adopted, with Representatives Manahan, M. Oshiro and Say being excused.

The following resolution (H.R. No. 264) was announced by the Clerk and the following action taken:

H.R. No. 264, entitled: "HOUSE RESOLUTION CONGRATULATING FRANCINE HONDA AS THE 2009 HAWAII HIGH SCHOOL PRINCIPAL OF THE YEAR, TOM KURASHIGE AS THE 2009 HAWAII MIDDLE/ELEMENTARY SCHOOL PRINCIPAL OF THE YEAR, AND EWA BEACH ELEMENTARY SCHOOL, MOMILANI ELEMENTARY SCHOOL, AND ROYAL ELEMENTARY SCHOOL AS THE 2010 HAWAII BLUE RIBBON SCHOOLS," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 264 be adopted, seconded by Representative Berg.

Representative Takumi commended and honored the outstanding principals and teachers here today, and introduced principals who were seated on the Floor of the House:

Ms. Francine Honda, Principal of Kailua High School and the 2009 Hawaii State High School Principal of the Year; and

Mr. Tom Kurashige, Principal of Aiea Intermediate School and the 2009 Hawaii State Middle School Principal of the Year.

Representative Takumi also recognized Ms. Carmielita Minami, Principal of Waikele Elementary School and Hawaii's 2009 National Distinguished Principal, who could not be here today.

Representative Berg recognized 2010 Hawaii Blue Ribbon Award Winning Schools and introduced honorees who were seated on the Floor of the House:

Ewa Beach Elementary School, represented by Principal Sherry Lee Kobayashi;

Momilani Elementary School, represented by Principal Doreen Higa; and

Royal Elementary School and Principal Ann Sugibayasi, who could not be here today.

Representative Berg also introduced guests of the Principals who were seated in the Gallery:

Sherry Lee Kobayashi:
Mr. Derrick Kobayashi, husband;
Mr. Kelsey Kobayashi, son;
Ms. Anna Agosto, teacher;
Ms. Susan Nakasone, teacher; and daughter Ms. Jody Nakasone;
Ms. Tracey Matsui, teacher;
Mr. Derek Santos, teacher;
Mr. Kevin Rathbun, School Community Council Parent Representative;
Ms. Charline Blair, School Community Council Teacher Representative;
Ms. Noralyn Mackay, School Community Council Certified Employee Representative;
Mr. Myron Tagovailoa, student
Mr. Samuel Bajar, student;
Mr. Zane Barr-Rauschenburg, student; and
Mr. Jarael Carino, student

Doreen Higa:
Ms. Maile Yasui, 6th grade teacher;
Mr. Todd Tashiro, 6th grade teacher;
Mr. Dave Masaki, PTSA President;
Ms. Kaile Yashi, 4th grade student; and
Mr. Daylen Masaki, 3rd grade student.

Mr. Ronn Nozoe, Acting Deputy Superintendent

Representative Pine thanked the Principals, in particular Principal Kobayashi for her dedication to Ewa Beach Elementary.

The motion was put to vote by the Chair and carried, and H.R. No. 264 was adopted, with Representatives Chang, Manahan and M. Oshiro being excused.

At 12:41 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 795-10) recommending that S.B. No. 2231, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2231, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I need to request a ruling on a potential conflict of interest. One of my wife's clients is Better Place Hawaii that is promoting the use of electric cars in Hawaii. Thank you," and the Chair ruled, "no conflict."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have a reservation on this particular measure. I'm all for electric vehicles and I think we should all be driving them eventually, but I think this is not the right time for us to enact a new tax credit. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2231, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 796-10) recommending that S.B. No. 2020, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2020, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I request a ruling of a potential conflict? I'm an officer of a small business that has a sublease in that district or area. Thank you," and the Chair ruled, "no conflict."

Representative Har rose to disclose a potential conflict of interest, stating:

"May I also request a ruling on a potential conflict? My law firm represents the writ that would be affected by this legislation," and the Chair ruled, "no conflict."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai requested that his remarks on H.B. No. 2284, HD 1, on March 2, 2010 be referenced for this measure, in lieu of submitting written remarks.

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Har, Saiki and Takai voting no, and with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 797-10) recommending that S.B. No. 2843, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2843, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 798-10) recommending that S.B. No. 1675, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1675, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 799-10) recommending that S.B. No. 2921, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 800-10) recommending that S.B. No. 2165, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2165, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 801-10) recommending that S.B. No. 2220, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2220, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 802-10) recommending that S.B. No. 2883, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2833, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just want to note my reservations on this bill. The reservation I have is that this sick leave bill also has some technical problems in that it would apply to employees under collective bargaining agreements. I'm not quite sure if that would interfere with our current laws."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Reservations, Mr. Speaker. I think the bill is unnecessary. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2883, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 803-10) recommending that S.B. No. 2884, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2884, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan, Sagum and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 804-10), recommending that H.R. No. 40, be referred to the Committee on Tourism, Culture, & International Affairs; and

(Stand. Com. Rep. No. 805-10), recommending that H.C.R. No. 89, be referred to the Committee on Tourism, Culture, & International Affairs.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 40, and H.C.R. No. 89, be referred to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Thank you. I just wanted to read just one paragraph here.

"The cacao industry is poised to heighten the State's economy with a broad range of job opportunity, increased revenue from diversified agriculture production processing, in addition to research and development with the potential to attract federal funds. And further, cacao possesses propitious opportunity to develop a new industry in the growing, cultivating, processing, and shipping of cacao."

"But Mr. Speaker, I just want to give you 10 points. 10 points that I'd like my colleagues to remember about what I call, the 'poodle problem.' The poodle problem is this. Most people think poodles are *frou frou*, a kind of fashion plate dog, but few people have actually taken the time to read the history of the poodle. The poodle was the number one water spaniel hunting dog of all of Europe. The poodle has the second highest IQ, second only to the Border Collie. So the fact is that the poodle isn't what we think it is, is it?

"Well cacao is a similar thing, but it has a poodle problem. The fact is that cacao can only be grown in Hawaii out of all 50 states. It's a solid. It's a drink. It's medicinal.

"I'll read a little bit about its medicinal qualities. The edible pulp is popular and it actually started as a medicine. It was used as a medicine for healing bruises, in the pharmaceutical and cosmetic industry. But it also has an alkaloid found in cacao seeds called theobromine, which is a stimulant, and also flavonoids for anti-inflammatory immune-latory benefits, and contribution to cardio-vascular and immune systems. So actually, the point made by the Representative from Ewa was not too far off point.

"Number three. The cosmetic industry is one of the most profitable industries in the world. If you look at the data, and of course not many people may know that all this cream and everything that they're selling in Waikiki comes from the cocoa butter, which is cacao.

"It dovetails with other ag products. Find me a fruit. In Taiwan, they dip *longan*, which is dragon eye. They dip lychee, they dip everything in chocolate and make money off of it.

"It grows well environmentally because it doesn't require the kind of pesticide treatment that other things have. I repeat, it can only be grown in Hawaii out of all 50 states.

"But recently the Haleiwa Farmer's Market sold out, completely. The most successful they had. I know Vice Speaker, you were in attendance and you saw what I saw. But the fact is that the tours sold out in no time. I didn't even get to have a tour. They sold out in hours. The trees sold out. Everything sold out in this bad economy.

"So lastly, I just want to say that recently I was in Kailua. This is I guess, what my passion is for, besides the opportunity for federally funded research, for our children to stay here in Hawaii, and have well-paying jobs because the federal government wants to research more about cacao. Particularly it's medicinal benefits.

"But I think what touched me the most is I was in Kailua at Sweet Paradise a few days ago looking for my Hawaiian grown Waialua cacao, which is so popular. Alan Wong's got it. Roy's has a few. But it's very difficult to get sometimes, this Waialua cacao. And there at Sweet Paradise were about 20 people who in five minutes, spending more money in our economy, Mr. Speaker. Boy, did that bring a smile to my face because this is helping ag, preserve open space, and it's also helping to employ our people. And if we can keep our people home, wouldn't that be great.

"So for that, I just want to say that lastly, I don't know if we can compete on quantity because we don't have a lot of land. We're land poor in that sense, therefore our ag products must compete by quality. The best in the world. That is what the reputation of cacao is. The rarest, as well as the best chocolate in the world. Thank you."

Representative Bertram rose in support of the measure and asked that the remarks of Representative Ching be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose, stating:

"Mr. Speaker, would my colleague from Liliha yield to a question? In sharing her passion towards cacao in the past, she has given each and every one of us some of that food. What happened to that this year?"

Representative Ching responded, stating:

"It was on Valentine's Day. That was from me, so I actually did. Every year."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Awana, Chang, Manahan and Sagum being excused; and

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 806-10), recommending that H.R. No. 149, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 149, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE

COMMITTEE ON HUMAN SERVICES TO CONVENE A WORKING GROUP TO FURTHER STUDY RECOMMENDATIONS MADE BY THE SR 10 WORKING GROUP COMMITTEES," was referred to the Committee on Judiciary, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 807-10), recommending that H.C.R. No. 220, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE COMMITTEE ON HUMAN SERVICES TO CONVENE A WORKING GROUP TO FURTHER STUDY RECOMMENDATIONS MADE BY THE SR 10 WORKING GROUP COMMITTEES," was referred to the Committee on Judiciary, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 808-10), recommending that S.C.R. No. 79, SD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 809-10), recommending that H.R. No. 84, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 84, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 810-10), recommending that H.C.R. No. 145, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was referred to the Committee on Finance, with Representatives Awana, Chang, Manahan and Sagum being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 811-10), recommending that H.C.R. No. 102, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Awana, Chang, Manahan and Sagum being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Awana, Chang, Manahan and Sagum were excused.)

THIRD READING

S.B. No. 2699, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2699, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Third Reading by a vote of 47 ayes, with Representatives Awana, Chang, Manahan and Sagum being excused.

At 1:05 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2699, SD 1

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Ward introduced a friend from Kuliouou, Mr. Chris Baron of the Department of Business, Economic Development, and Tourism.

Representative Finnegan introduced an intern in her office, Ms. Shannon Gray, a University of Hawaii student. She was accompanied by legislative staff, Ms. Ashley McShane.

Representative Ching her legislative aide, Ms. Elise Anderson.

ANNOUNCEMENTS

Representative McKelvey, for the Committee on Economic Development, Business & Military Affairs, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and having decision making on the following measures at 9:00 a.m. in Room 312, and the Chair "so ordered."

SB No. 2144, SD 2, Relating To Economic Development.

Representative Ito, for the Committee on Water, Land, & Ocean Resources, and the Committee on Agriculture requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making on the following measures on Thursday, March 18, 2010, at 11:30 a.m. in Conference Room 325, and the Chair "so ordered."

SB No. 2951, Relating To Agriculture,
SB No. 2169, Relating To Shark Fin,
SB No. 2409, Relating to Marine Life Conservation Districts, and
SB No. 2828, Relating To Education.

Representative Evans: "Mr. Speaker, in celebration of the 20th Anniversary of the Public Access Room, we're having cake and ice cream in Room 423 following session."

Representative Karamatsu for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and having decision making on the following measures on

Thursday, March 18, at 2:45 p.m. in Room 325, and the Chair "so ordered."

SB No. 2897, SD 2, HD 1, Relating To Highway Safety, Ignition Interlock Program

Vice Speaker Magaoay: "The Chair has one announcement for you. On your desks is our House Staff Directory. I'd like to complement the House Chief Clerk's Office, especially Tammy Tengan and the Printshop. Also two people on my staff, Judy Fomin and Karess Purcell.

"I gave them a mission that if they cannot get this done by the end of February, with all the pictures and distributed to everyone by the middle of this month, then we should scrap this idea. But they did it, and this is for your enjoyment and for your use. Thank you."

ADJOURNMENT

At 1:09 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 18, 2010. (Representatives Awana, Chang, Manahan and Sagum were excused.)

OTHER COMMUNICATIONS

"March 17, 2010

MEMORANDUM

TO: Senator David Y. Ige
Senator Suzanne Chun Oakland
Senator Brian T. Taniguchi
Senator Sam Slom

Representative Ryan I. Yamane
Representative John M. Mizuno
Representative Scott Y. Nishimoto
Representative Maile S.L. Shimabukuro
Representative Gene Ward

FROM: Colleen Hanabusa \s\
Senate President

Calvin K.Y. Say \s\
Speaker of the House

SUBJECT: CONFERENCE PROCEDURES FOR HB 1642 HD1 SD2

Effective immediately, the chairs for the conference committee on HB 1642 HD1 SD2 are hereby authorized to re-open deliberations for the purposes of resolving differences between the House and Senate versions of the measure.

Please be advised that until conference procedures are issued for the 2010 Legislative Session, the 2009 conference procedures (dated April 9, 2009) shall be in effect for the purposes of conferencing on HB 1642 HD1 SD2 only.

cc:	All Senate Members	All House Members
	Senate Majority Research	House Majority Research
	Senate Minority Research	House Minority Research
	Senate Chief Clerk	House Chief Clerk
	Senate Sergeant-At-Arms	House Sergeant-At-Arms"

THIRTY-FOURTH DAY

Thursday, March 18, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:09 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Reverend John Heidel, Ph.D., of Interfaith Alliance Hawaii, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Finnegan, Manahan and M. Oshiro, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journal of the Twenty-First Day was approved. (Representatives Cabanilla, Finnegan, Manahan and M. Oshiro were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 210 and 211) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 210, dated March 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by section 346-7.5, Hawaii Revised Statutes.

Gov. Msg. No. 211, dated March 12, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 162, Part 7, Section 156, SLH 2009.

The following messages from the Governor (Gov. Msg. Nos. 212 and 213) were received and announced by the Clerk:

Gov. Msg. No. 212, informing the House that on March 17, 2010, the following bill was signed into law:

S.B. No. 2812, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES." (ACT 007)

Gov. Msg. No. 213, informing the House that on March 17, 2010, the following bill was signed into law:

S.B. No. 2015, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES." (ACT 008)

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 349) was received and announced by the Clerk:

Sen. Com. No. 349, transmitting H.B. No. 1900, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," which passed Third Reading in the Senate on March 17, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Cabanilla, Finnegan, Manahan and M. Oshiro were excused.)

H.B. No. 1900, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Thielen introduced Rev. John Heidel's friends, Mr. Mike and Ms. Marie Heath; and his daughter, Ms. Melody Heidel; and grandson, Mr. Keoni Heidel.

Representative McKelvey introduced Mr. Don Couch from South Maui with the Boys and Girls Club.

Representative Mizuno introduced Ms. Waynette Cabral, Executive Director of the Hawaii State Council on Developmental Disabilities and her staff.

Representative Yamane then recognized the many clients, family members and caregivers who were participating in today's Developmental Disabilities Day at the Capitol.

Representative Carroll introduced developmental disabilities participants from Maui:

Ms. Mary Matsukawa, Program Specialist;
Ms. Joan Bellard, Council on Disabilities, Councilmember;
Mr. Aaron Kemp, Ms. Lisa Kemp, Mr. Richard Rosado, Ms. Kahualani Guerrero, Ms. Ramoda Anand, Ms. Raje Anand, Ms. Kabba Anand, Ms. Fae Torres, Ms. Crystal Nunes, and Ms Catherine Bailey.

Representative Rhoads introduced his constituents participating in the Boy Scouts program: Mr. Jerry Tongpalan and his son, Mr. Jeremy Tongpalan.

Representative Brower introduced Boy Scouts from Troop 39 and their Scout Masters and Troop committee members: Mr. Lee Akamine, Mr. Wesley Ishizu, Mr. Mark Ishizu, Mr. Adrian Lee, and Ms. Janet Ohta. They were accompanied by Ms. Arianne Cameros of Representative Mizuno's office.

Representative Berg introduced Chip and Cookie, friends of Uncle Wally Amos.

Representative Takai introduced his 8th grade science teacher, Ms. Janet Ohta who was with the Boy Scouts.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.	Re-referred to:
2124, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2340, SD1	Committee on Water, Land, & Ocean Resources
2726, SD2, HD1	Committee on Health, then to the Committee on Judiciary

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 265) was announced by the Clerk and the following action taken:

H.R. No. 265, entitled: "HOUSE RESOLUTION CONGRATULATING LISA-ANNE TSURUDA AS THE 2009 MILKEN EDUCATOR AWARD WINNER, JANICE ESPIRITU AS THE 2009 MASAYUKI TOKIOKA AWARD WINNER, LIANE TANIGAWA AND SEANYELLE YAGI AS CO-RECIPIENTS OF THE 2008 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING,

AND WALLY AMOS AS THE RECIPIENT OF THE LITERACY ADVOCATE AWARD," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 265 be adopted, seconded by Representative Berg.

Representative Takumi recognized and introduced honorees seated on the Floor of the House:

Ms. Lisa-Anne Tsuruda, 2009 Milken Educator Award winner, and language arts teacher at Mililani High School; and

Ms. Janice Espiritu, 2009 Masayuki Tokioka Award winner, Principal of Kaunakakai Elementary School.

Representative Berg recognized recipients of the 2009 Presidential Award for Excellence in Mathematics and Science Teaching, who could not be here today:

Ms. Liane Tanigawa, third through sixth grade science teacher at Pearlridge Elementary School; and

Ms. Seanyelle Yage, kindergarten through fifth grade mathematics teacher at Ka'ewai Elementary School.

Representative Berg also recognized and introduced Mr. Wally "Famous" Amos, recipient of the Literacy Advocate Award, and thanked him for his dedication to promoting literacy, internationally.

Representative Berg then introduced guests of the honorees who were seated in the Gallery:

Ms. Janice Espiritu:
Ms. Joanie Tanabe, daughter;
Ms. Joy Espiritu, daughter;
Ms. Diane Shimada, sister;
Ms. Lindsay Ball, Complex Area Superintendent, Lahaina, Molokai, Lanai;
Ms. Rose Yamada, retired educational officer and mentor;
Ms. Leila Naka, retired administrator and Literacy Consultant;
Ms. Ruby Hirashi, retired administrator and mentor;
Ms. Beverly Wong, Kamehameha Schools Literacy Specialist; and
Ms. Jeannine Fujimori, Kamehameha Schools Literacy Specialist.

Ms. Lisa Tsuruda:
Mr. Derrick Tsuruda, husband.

Mr. Wally Amos:
Ms. Alison Ah Puck;
Mr. Ken Stricter;
Mr. Scott Mackenzie;
Mr. Chris Farley;
Mr. Mapu Magbaleta;
Mr. Brad Bates; and
Ms. Joy Yamasaki.

Representative Ward congratulated the honorees, in particular Mr. Amos, for being a motivator and role model to many of his entrepreneur graduates.

At this time, Mr. Wally Amos shared a story with the Members of the House and audience, *The Crayon Box That Talked*, by Shane Derolf and Michael Letzig.

Representative M. Lee congratulated the honorees, in particular Ms. Lisa-Anne Tsuruda, and thanked her for piloting the Senior Project for Hawaii.

Representative C. Lee also congratulated the honorees, and welcomed his neighbor, Mr. Amos.

The motion was put to vote by the Chair and carried, and H.R. No. 265 was adopted, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

The following resolution (H.R. No. 266) was announced by the Clerk and the following action taken:

H.R. No. 266, entitled: "HOUSE RESOLUTION HONORING THE HAWAII ALLIANCE OF THE BOYS AND GIRLS CLUBS," was offered by Representative Keith-Agaran.

Representative Keith-Agaran moved that H.R. No. 266 be adopted, seconded by Representative Yamashita.

Representative Keith-Agaran commended the Boys and Girls Club for creating future leaders and allowing children from disadvantaged backgrounds to develop their full potential as caring, productive and responsible citizens.

Representative Nakashima introduced the honorees who were seated on the Floor of the House:

Ms. Anne Lorraine Ares, 3 year member of the Boys and Girls Club of Hickam, and senior at Radford High School;

Mr. Zachary Jarman, 8 year member of the Boys and Girls Club of Maui, and senior at King Kekaulike High School;

Ms. Linda Leifi, 11 year member of the Boys and Girls Club of Hawaii (Oahu), and senior at James Campbell High School;

Ms. Megan McGrath, 6 year member of the Boys and Girls Club of Hawaii (Big Island), and sophomore at Pahoa High School; and

Mr. Meko Thompson, member of the Boys and Girls Club at Aliamanu Middle School and Teen Center, and junior at Radford High School.

Representative Pine congratulated Ms. Linda Leifi, and thanked her for her service to the community, and thanked Ms. Frances Rivera who was seated in the Gallery, for her dedication to the Boys and Girls of Hawaii.

Representative Har recognized Ms. Frances Rivera and Mr. David Nakata who were seated in the Gallery, and thanked them for their dedication to providing a safe haven for kids.

The motion was put to vote by the Chair and carried, and H.R. No. 266 was adopted, with Representatives Cabanilla, Finnegan, Manahan, Marumoto and M. Oshiro being excused.

At 12:47 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 812-10) recommending that S.B. No. 2709, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2709, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No.

813-10) recommending that S.B. No. 2559, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2559, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Two things about this bill, Mr. Speaker. One is that it's a good BYOB bill. Bring your own bag. Recycle, and keep the plastic out of the environment and the marine life.

"But the downside and the second thing is that it increases the cost of living for the poor. Those who spend the most on food are those who don't have the money. And this is going to increase the cost of living, however small you may think it is.

"When we add up what this Body has done on this Floor and what the Senate is doing, if you add all those small things up, it's equivalent to what used to be called, 'the last straw on the camel's back.' We are pushing our poor too much, and this pushes it for the sake of the environment which is a great cause, and which we've got to do. But it's the timing now that's the basic question. Is now the time to do this? Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes Mr. Speaker, and Members of the House. I wish to speak with strong reservations on this measure. The only reason that I'm not voting no on this measure is because it's not going to ban plastic bags, so that's a positive aspect of it.

"The rest of it doesn't quite seem logical or make any sense. The bag is plastic and yes, we have a lot of plastic out there. But if you go to the supermarket, a great number of other items are also in plastic and they create an even bigger problem than plastic bags. You go into the meat section and there's plastic. You go into the *pupu* and fish area, it's all plastic. You look at nachos, and potato chips, and etc. It's all plastic.

"When you combine them all, it really doesn't seem sensible at all. You're going to have a person pay a nickel more for a plastic bag when you have all the other plastic items remaining in the store. So I would want the Finance Committee, in their wisdom, to look at some of these items. Thank you, very much."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I likewise have reservations and I couldn't agree more with the two speakers who already expressed their reservations. I would like to bring up an additional point in that this targets only supermarkets and not other retail establishments. Thank you."

Representative Shimabukuro rose to speak in support of the measure, stating:

"In very strong support, and just a brief rebuttal to the earlier comments in terms of cost. The whole point of the bill, or one of the big points is to have people avoid the cost by encouraging them to bring their own bags and their own containers which I think is a brilliant idea.

"Just on a personal note. So many times I find myself going home with all these bags thinking that I could have avoided this if I just brought my own bag. So I think it's just a win-win. We encourage people to bring their own bag. They don't pay the fee. We raise much needed State revenue in this time of fiscal crisis. And we avoid more trash going to the landfill, which is a huge issue for people on the Waianae Coast, and it should be for everyone in this State. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2559, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 814-10) recommending that S.B. No. 2276, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2276, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 815-10) recommending that S.B. No. 2278, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2278, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 816-10) recommending that S.B. No. 2050, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 817-10) recommending that S.B. No. 2842, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2842, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 818-10) recommending that S.B. No. 2105, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was referred to the Committee

on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 819-10) recommending that S.B. No. 2267, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2267, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am in opposition to this bill. I guess the purpose is to ensure appropriate access for persons with disabilities and to assist in identifying design flaws by providing the Disability and Communication Access Board with the authority to charge a review process fee based upon the construction cost for review of construction plans prior to commencing with construction as part of the design and construction process.

"This is already required by law and the Disability and Communications Board already provides this service at no cost to people in the construction industry. But this will add considerable cost to construction. For projects of over $10 million it will cost $4,000, and $1,000 for each additional $10 million.

"So for an expensive project like West Oahu College or something of that size, they will have a lot more fees to pay before construction. The fees will be based on a graduated scale, but it is designed to cover the costs of staff. The Committee Report says a reasonable fee schedule will generate revenues sufficient to pay for the salaries of the staff conducting the review. So even though it's graduated, the fees may be changed or reduced by rule. Right now as it stands, it's extremely high and it's designed to cover the cost of this review board.

"The funniest thing I saw in the bill was that up to $100,000, you would pay only $200. But if you had no application, you'd still be paying $50. I'm always joking that around here, we tax everything that moves. But I'm beginning to think this Session we're taxing everything that doesn't move too. When there's no application, we're charging $50, so we're charging for something that doesn't even exist. I just want to point that out in this particular measure and I will be voting no."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on S.B. 2267 SD2 – which allows the Disability and Communication Access Board to charge a fee to defray expenses of review of construction plans to ensure compliance with the law.

"While I support the mission and goals of DCAB, we must keep in mind the concerns of the building industry, as this measure directly impacts the economy. As stated by the Office of Housing and Community Development, "the requirement will result in increased costs to developers, which will be passed on to the homeowners, increasing the cost of housing, regardless of income level. [Instead] the Legislature should instead provide incentives, such as a reduction in fees and expedited review, to developers who encourage greater accessibility for people with disabilities in their developments." Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"I am in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2267, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 820-10) recommending that S.B. No. 2490, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2490, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 821-10) recommending that S.B. No. 2729, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2729, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 822-10) recommending that S.B. No. 2371, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2371, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 823-10) recommending that S.B. No. 2390, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2390, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 824-10) recommending that S.B. No. 2102, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2102, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2102, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 825-10) recommending that S.B. No. 2163, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2163, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 826-10) recommending that S.B. No. 2898, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2898, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 827-10) recommending that S.B. No. 2770, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2770, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 828-10) recommending that S.B. No. 2188, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2188, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 829-10) recommending that S.B. No. 2474, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2474, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 830-10) recommending that S.B. No. 2611, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2611, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Finnegan, Manahan and M. Oshiro being excused.

ANNOUNCEMENTS

Representative Har, for the Committee on Water, Land, & Ocean Resources requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures at 10:40 a.m. on Friday, March 19 in Room 325, and the Chair "so ordered."

HCR No. 320, which requires submission to the Legislature action taken by the Board of Land and Natural Resources on the land exchange.

ADJOURNMENT

At 1:11 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 19, 2010. (Representatives Cabanilla, Finnegan, Manahan, M. Oshiro and Sagum were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 18, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 1900, SD 1

THIRTY-FIFTH DAY

Friday, March 19, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Daniel Kent, legislative aide to Representative Takumi, after which the Roll was called showing all Members present with the exception of Representatives Chang, Manahan, McKelvey, M. Oshiro and Ward, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fourth Day was deferred.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 350) was received and announced by the Clerk:

Sen. Com. No. 350, transmitting H.C.R. No. 67, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," which was adopted by the Senate on March 18, 2010.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 63) was received by the Clerk and was placed on file:

Dept. Com. No. 63, dated March 18, 2010, from Marion M. Higa, State Auditor, transmitting a copy of the report, Financial Examination of the Department of Budget and Finance.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Luke introduced members of the Iolani Middle School Select Orchestra, winners of the 2010 National Orchestra Festival, along with their teachers, family and supporters.

Mrs. Katharine Hafner, Orchestra Director
Mrs. Joan Wehrman, Assistant Orchestra Director
Mr. Wayne DeMello, Head, Performing Arts Department, `Iolani School

John Cole,
Emily Donkervoet,
Kyle Flores,
Lauren Goto and family,
Brielle Asato,
Eugene Au,
Kerrick Chinen,
John Cole,
Trent Dye,
Kyle Flores,
Claire Furukawa and family,
Ayami Hatanaka and family,
Chanelle Huang and family,
Brittney Imada and family,
Sophia Iwasaki and family,
Miranda Kam,
Kristen Kanekuni and family,
Zeke Kearns and family,
Eddy Li,
Jake Lui and family,
Jason Lum and family,
Andrew Ma and family,
Jake Matsuda-Hirata,
Matt Miyamoto,
Matt Murayama,
Madison Obata,
Kara Okazaki and family,
Alex Sasaki,
Brendan Seto,
Jason Seto,
Tara Sriragarajan and family,
Maya Stevens and family,
Kahler Suzuki,
Brianna Yee, and
Bradley Wo and family.

Supporters:
Aaron Wehrman and Bob Wehrman.

Representative Luke also introduced 2nd grade students at Iolani School, her son, Master Logan Luke, and the son of Senate Chief Clerk Carol Taniguchi, Master Noah Taniguchi.

Representative C. Lee introduced Miss Lindsey Grady, a student at Lanikai Elementary School and her friends, Miss Emme Weisenfeld and Miss Kai'io Cobeen. They were accompanied by her parents, Mr. T.J and Mrs. Christine Grady, and brother, Gavin Grady.

Speaker Say introduced Wisconsin State Senator Fred Risser and his wife, Mrs. Nancy Risser.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 831-10) recommending that S.B. No. 2807, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2807, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative C. Lee rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative C. Lee's written remarks are as follows:

"Every time our economy slows, State government must cut back on services. Businesses, employees, and families that need support are left behind as the State slashes programs and services. This only hurts a weak economy, and the timing couldn't be worse. Only State government has the resources and capital to truly stimulate our weak economy. We must be sure that when times get tough, the State's response will help our economy, and not hurt it.

"In years of surplus, we should be setting money aside for the next recession. If we had emergency funding today, we could be helping businesses retain their employees, bolstering falling wages, supporting community health centers, stimulating construction, creating jobs, and driving our economy forward. While passing this bill will not help us this recession, it will decisively improve the next one."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2807, SD 2, HD 1, entitled: "A

BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 832-10) recommending that S.B. No. 2137, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 833-10) recommending that S.B. No. 2139, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2139, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 834-10) recommending that S.B. No. 2120, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2120, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in strong support of SB 2120. This bill requires the Department of Education to determine alternative routes to certification for school principals and vice-principals. It also repeals the Department of Education's authority to waive, on a case-by-case basis, certain teacher certification and school-level experience requirements for vice-principal candidates.

"In order to improve our educational system, we should recognize that management talent and experience are critical, particularly because of the State of our public school system. Schools should be well-managed, achievement-oriented environments where parents can be assured that their children are getting a quality education because of great teachers and a supportive administration that knows how to achieve results. Often, the DOE's current certification process denies excellent managers and leaders the ability to help turn around our schools. These managers often have a results-oriented track record of success, but are ineligible because they have not come up through the system as teachers.

"Quality leadership is quality leadership. The Department of Education can certainly benefit from the introduction of quality leadership."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 835-10) recommending that S.B. No. 2434, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2434, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to SB 2434. This measure adjusts the salary caps of the Superintendent of Education and State Librarian beginning with the 2011-2012 school year.

"Mr. Speaker, when the rest of State and county workers are facing decreasing wages and benefits, it seems egregious that we would be considering the equivalent of a raise for these leaders. I agree that Hawaii must be competitive in terms of compensation to attract top talent. However, increasing this salary cap in the midst of the throes of one of the worst recessions Hawaii has experienced is not wise, nor is it fair.

"If given the real power, accountability, and support to reform our schools, I am sure that such an opportunity to reform an entire State educational system, regardless of compensation, would appeal to quality Superintendent candidates throughout the country."

Representative Pine rose in opposition to the measure and asked that the written remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2434, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Finnegan and Pine voting no, and with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Takumi, Chang and Rhoads, for the Committee on Education and the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 836-10) recommending that S.B. No. 2122, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 837-10)

recommending that S.B. No. 2849, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2849, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2849, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 838-10) recommending that S.B. No. 2393, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2393, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 839-10) recommending that S.B. No. 2754, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 840-10) recommending that S.B. No. 2759, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 841-10) recommending that S.B. No. 2758, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 842-10) recommending that S.B. No. 2081, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2081, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on Stand. Com. Rep. No. 842 and accompanying bill. Basically this is a creation of another special fund and it will not be self-sustaining. We note that it will take 100 citations for littering to support one inspector.

"Also it appears to be flawed in that the special fund exists within the general fund, so if this bill is going to go on, it may need fixing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2081, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 843-10) recommending that S.B. No. 2116, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2116, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I am in favor of this measure. The Committee Report indicated that I voted with reservations. I don't recall that. I think this is an excellent bill, and a very necessary one for our schools. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2116, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 844-10) recommending that S.B. No. 2150, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Mizuno and Rhoads, for the Committee on Human Services and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 845-10) recommending that S.B. No. 2341, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2341, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"In support with reservations, and a few comments. I believe the intent of this bill is very good because it prohibits employers from discriminating against an employee or somebody applying for employment based on the person's domestic abuse victim status.

"On the surface that sounds very honorable, however there are a couple complications that may arise in this situation where a violent situation may potentially put other employees in harm's way. According to the final version or the way it's going to be written, it currently does not protect the employer from letting someone go so that they can protect other employees that may be harmed in the process of helping this domestic abuse victim. So hopefully in the final version, we can find a way that will allow some flexibility for serious situations."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2341, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 846-10) recommending that S.B. No. 2469, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2469, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 847-10) recommending that S.B. No. 2534, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2534, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 848-10) recommending that S.B. No. 2501, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2501, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Choy rose to disclose a potential conflict of interest, stating:

"On Stand. Com. Rep. No. 848, I'd like to request a ruling on a potential conflict. I'm a CPA and my firm does peer reviews. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 849-10) recommending that S.B. No. 2566, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 850-10) recommending that S.B. No. 2601, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2601, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 851-10) recommending that S.B. No. 2222, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2222, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Yamane rose to speak in opposition to the measure, stating:

"Mr. Speaker, rising in opposition. And just some brief comments. The Mililani Town Association and some of the other associations are a little bit concerned regarding the cost for the postage. They estimate that it could cost them upwards of $100,000 for postage costs to do these mail outs required for the candidates. So I rise in opposition because of the fiscal impact to them. Thank you."

Representative M. Lee rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition as well. As the Representative from Mililani Town and Waipio Gentry just stated, there're some concerns about the cost of this to large community associations like Mililani Town and Princeville. There's quite a bit of difference. There are 16,000 households in Mililani, so this could really be an excessive cost to the association. Thank you, very much."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2222, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was referred to the Committee on Finance, with Representatives M. Lee and Yamane voting no, and with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 852-10) recommending that S.B. No. 2529,

SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2529, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 853-10) recommending that S.B. No. 2603, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2603, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 854-10) recommending that S.B. No. 2473, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2473, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 855-10) recommending that S.B. No. 2593, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2593, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 856-10) recommending that S.B. No. 2594, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2594, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. I want to cast a vote of support with very strong reservations on Stand. Com. Rep. No. 856. Basically what this bill does is it establishes a residency requirement for entire projects that do get certain GET exemptions based on a certain amount of affordable housing.

"And how this hurts the Ewa Plain is there's a housing project in my community that has actually some of the lowest rents on the whole island for single family homes. And because of Ewa's close proximity to Pearl Harbor, we do have a lot of military families that are staying in this housing project.

"They're staying in this housing project because there's a waiting list just to get into the military housing on base. There's still not enough military housing in the State of Hawaii and so it forces all those military families to move out of that housing project. It's been very helpful in terms of the traffic to keep these military people in this housing because they just take the 'grey boat' to go across Pearl Harbor and they don't get on the freeway and fight traffic with all the other people on the Leeward Coast.

"And so I'm very concerned about this measure. Hopefully we can tweak it a little bit so it doesn't affect my community."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. In support with reservations, and may I have the words of the Representative from the Ewa Plains area entered in the record as if they were my own. And I just hope that when the Finance Committee looks at this measure that they would perhaps entertain an exemption for the situation dealing with the military in that area."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. I ask that the word of the Representative from Ewa Beach be entered into the Journal as if they were my own.

"And I'd also like to add, and I'm not too sure if this is the case, but I'd like the next Committee to take a look at this. A few years ago, we had the opportunity, the entire nation had the opportunity to encourage private companies to obtain long-term leases in order for them to finance and build housing on military bases, or close to military bases. It was called PPV for privatized housing and it's worked very well. We've had Actus, and Hunt, and Forest City and a few other companies come to Hawaii to build these houses. Without the support of Congress, and without working through the State government, we would not have had this opportunity.

"Now the reason why I bring this up is because years ago, we had worked out an exemption for the general excise tax for these particular contractors and companies. I'm afraid that based on what I heard a few days ago, that this particular bill might jeopardize the GET exemption because as you know, these houses are constructed for military families so it's a little different angle than what the Representative from Ewa Beach brought up. And I do share her concerns as well.

"But if this impacts housing for example, on Ford Island or Schofield Barracks, or the Marine Corp Base in Kaneohe, basically what we're doing is we're removing that exemption. Now if that's the intent, then let's be forthright and let's talk about that. But I hope that that's not the intent.

"But please, if we could as we move through the process and take a look at that to make sure that we understand the implications on these companies that have helped to address not only the military housing crisis for military families, but in a sense help us address the rental housing market for the entire State of Hawaii. Thank you, Mr. Speaker."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Just to take a step back and take a look at the bill that came to the Committee on Housing, and what it does now. There are four parts to the section in which the bill deals with, in which a developer can receive a general excise tax exemption. There's four ways. Two of them deal with the federal type of projects.

"The bill came to the Committee originally only dealing with one of them. And this actually was only going to affect Hunt Corporation and

their development. Forest City and Actus Lend Lease was not included in the bill and we found that strange. If we are going to talk about general excise tax exemptions in the context of billions of dollars in shortfall and increasing taxes and fees, why not take a look at everything. Your Committee on Housing decided to move this forward in applying it to everyone fairly.

"Secondly, the intent is not to tax the military families, but it will tax the contractor, whether they be Hunt, Actus, or Forest City. They're the ones that receive the exemption. I don't think they pass on the exemption to the military families. If they pass it on to anybody, it's the federal government. And really, does the federal government need a tax exemption?

"I think this is one of many bills which we're taking a look at to generate revenue. Again, this is not against military families, but against corporations who have the contract with the federal government who can print money. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Stand. Com. Rep. Nos. 855-10 through 857-10 are all related, Mr. Speaker. They have to do with the general excise tax. The first one is to review them, because the way it is now, when a company asks for an exemption, there's no review process. They could have been ineligible for three years. We don't know.

"So the first one, just so everybody knows, it simply asks the Department of Taxation to review these exemptions after three years to see if these exemptions are still valid, and to impose penalties for those who are taking an excise tax exemption which is no longer valid. And I think that in a time when we're looking for ways to fund State services, that we need to review these exemptions and make sure that we're giving it to people who deserve it.

"As for the residency requirement, we all know there are a lot of companies that come and do business in Hawaii that never pay taxes, and we never had the chance to really catch them and to look at whether they should be taxed.

"Now the last one Mr. Speaker, is to calculate the income of those people asking for this, and to impose a standard on them and determine where those exemptions are. So those were the means. There's a lot of talk about the military here, and I guess they're a part of it. I understand that Congress gave those exemptions to big developers to come and build military housing in years prior. These bills are just going forward. They're not going back.

"Former Congressman Neil Abercrombie came and testified before the Committee and said that these exemptions are just pass-throughs. They don't benefit the military. They just benefit the military contractors by about a 4.5% advantage over the local contractors. That's why they can afford to bid lower, because they have that 4.5% advantage. What's fair, is fair. So I'm in support because our local contractors need that same break, just like those contractors from the mainland. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"I want to vote no now. A couple of points. This does affect the military, and now this does affect our local people. This particular project that will be affected in my district is called, Puuloa. It's the Waterfront at Puuloa. It used to be called Iroquois Point and it used to be a military base. It was part of the BRAC closing and it was part of Congress's whole plan to change military bases and switch it over, and so the incentives that Congress gave were tax incentives, and it was agreed to with the State government to help out with the GET tax exemption.

"So this bill is changing the entire policy and plan of Congress, as well as the State of Hawaii. And that's fine if that's the intent of this Legislature.

"This is how this tax exemption helps the local people in my district. Because military families are able to move there, one, it helps the locals because they're helping to reduce traffic on the Leeward Coast because they're using the waterways to get to their work, as well as a lot of the civilian and DOD workers who are using the waterways by staying in this development. That's one way that's helping the local people.

"By getting this tax exemption and that includes some of the military families. Actually 40% are military that live in this development, and 60% are local people. By getting this tax exemption, do you know you can get a three bedroom, single family home with a yard for only $1,400 because of this tax exemption? That is helping 60% of the low income local people that are living there.

"So go ahead and take this tax exemption away. I guarantee you they're not going to be able to afford renting to the local people for $1,400 a month. That's just not going to balance out in their books. They're going to do what everyone else is doing. They're going to raise the rent because they can, and that's how it's going to affect local people."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. This is my second time. I will keep my vote with reservations for now. Here's my concern. We have, as you know Mr. Speaker, I've been working on military housing and we've been working with the federal government through Impact Aid Table 9 Program, so I'm well aware of the projects that are occurring on base. And I do believe there's a difference between a base project and an off-base projects.

"For example, and the Housing Chair brought it up. I don't want to, and I don't think we should be supporting a mainland company against a local company for off-base housing. If we have a housing project going into Ford Island, and what this bill says is that you must have local people living in that housing in order to get the tax exemption. We cannot put local people on military bases. That's not the intent of the military housing projects program. It's to put military families into these houses so that they can get off of the rolls of the off-base housing which would provide for low-cost rentals for our local people.

"I think we need to go back to the intent that we set about a decade ago in this PPV program, because if in fact we're affecting these on-base contracts and I believe these are 50 to 99 year term leases, then I think we have an obligation to fulfill our promises that we made in the past. I have no problems with making sure that we level the playing field between the local companies and the mainland companies for projects off-base, but I think we have to, and we owe it to ourselves to take a look at the impacts happening on our bases. Thank you."

Representative Cabanilla rose to respond, stating:

"Just short comments in rebuttal. Yes, we do like to honor contracts that may have been written a hundred years ago, but right now we cannot take care of our *kupuna*. We cannot take care of our children who are affected by furloughs. We are laying people off, and this repeal of the general excise tax exemption will be one solution to keep our government working, because unlike the federal government we cannot, I repeat, we cannot print money. I am for it. I believe that imposing a general excise tax on this income bracket is what we need. And we need to look at ourselves, and we need to take care of our own people, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose, stating:

"Thank you. I would just like the words of the speakers from the Ewa Beach and also Newtown, their second time, to entered in the record as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Sagum rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2594, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representative Pine voting no, and with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 857-10) recommending that S.B. No. 2595, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2595, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 858-10) recommending that S.B. No. 2324, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2324, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2324, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 859-10) recommending that S.B. No. 2597, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 860-10) recommending that S.B. No. 2110, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2110, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 861-10) recommending that S.B. No. 2533, SD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2533, SD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2533, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 862-10) recommending that S.B. No. 2545, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 863-10) recommending that S.B. No. 2323, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2323, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives McKelvey and Herkes, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 864-10) recommending that S.B. No. 506, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 506, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives McKelvey and Herkes, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 865-10) recommending that S.B. No. 2543, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2543, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 866-10) recommending that S.B. No. 2840, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2840, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 867-10) recommending that S.B. No. 2287, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 868-10) recommending that S.B. No. 2650, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2650, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support of Stand. Com. Report 868-10. Thank you. I just wanted to point out the importance of this measure. Two important reasons to pass Senate Bill 2650, Senate Draft 2, House Draft 1. There is an urgency to pass this measure to allow essential services and human services for over 300,000 of Hawaii's most needy residents.

"Second, this bill represents a fundamental principal that is accepted by our State, that we provide and protect our most needy, that we provide essential services. In fact, I agree with the Director of Human Services. There was an article yesterday in the *Advertiser* which says that the Director, Dr. Koller, says that the State could lose federal money if services are reduced. She's talking about those services to our most needy.

"I agree with the Director. We cannot cut these services, so I'm a little perplexed that the Director wants to go through with this EPOD plan to eliminate 232 essential workers which will affect, substantially affect, over 300,000 people in the State of Hawaii.

"In fact, I'm so concerned, and it's not only me Mr. Speaker. Her own workers have provided a petition. I've never seen this in government. I have a petition here from her workers and a number of recipients. There are 6,300 who signed a petition indicating that they have no confidence in the Director of Human Services. For those reasons Mr. Speaker, we need to pass this measure. We need to protect those essential employees and protect services to over 300,000 needy residents in the State of Hawaii. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations. I'm going to save most of my comments, in case this bill does make it through Finance. We have to realize what the budget has done in combination with what we're talking about with services, and contrast that with what the Chair of the Human Services Committee has just stated. The people that we employ in the Department of Human Services are those who administer programs. Those are administrative positions, eligibility and so forth. The actual services come from the actual purchase of service agreements that you have with community providers that do the actual direct services.

"So when you're talking about providing direct services, that is talking about all the different cuts that we made in the Department of Human Services budget having to do with purchase of services contract. So at this point in time, you know this is a long conversation, and I will continue it if it does get to Third Reading. Thank you."

Representative Mizuno rose to respond, stating:

"Thank you, Mr. Speaker, I'd like to rebut the previous speaker and some of her accounts. Thank you. I want to talk about rhetoric versus reality. I respect the prior speaker's statement. I want to talk about something the Director is seeking to do. She is seeking to close all 31 statewide eligibility offices. That represents 50 units, 50 public assistance units, statewide.

"Again, if Members can visualize every single office in the State. Every single office, public assistance office on all islands: Maui, Kauai, Molokai, all your islands. Offices will be closed. Again, rhetoric versus reality. We can talk about private contracts, but the reality is all offices will be closed under this EPOD proposal, and two call centers will be opened, one in Hilo and one on Oahu. Call centers. Every single office closed. That's what this plan proposes.

"Second, rhetoric versus reality. The rhetoric is that fraud's not going to go up, that this plan is a good plan. That's the rhetoric. The reality is that fraud will go up sky high, and the reason I know this Mr. Speaker, is because your top person in the Department of Human Services, Eric Weinberg who is a chief investigator for Department of Human Services, Director Koller's top person in fraud investigation said this is a horrible plan. A horrible plan. Fraud will go up."

Representative Pine rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the wonderful speaker has veered way off the subject of the bill."

The Chair addressed Representative Mizuno, stating;

"The Chair's ruling is that Chair Mizuno may proceed. Please proceed."

Representative Mizuno continued, stating:

"Thank you. This relates directly to this bill because you want to stop welfare fraud. That's exactly what the top investigator under DHS said. That's why this EPOD program is not good and this bill seeks to stop it.

"Third, the reason why we're going over rhetoric versus reality is this. Your top administrator in the Food Stamp Program, Linda Tsark under the Department of Human Services, said this plan was not good. Your top administrator argued that the Director did not make a wise choice by

bringing about this EPOD plan. Again, you have your top administrators under this Director going against the Director. It's a huge statement.

"I look forward to working with the Director on seeking more ways we can be more efficient, but this plan is not right. This bill aims to stop that. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. When the Chair gets really passionate about this, I can really get passionate about this as well. But I'm going to try and keep my comments to a minimum because I know that this could go on for a very long time.

"Reality and rhetoric. The bottom line is if you can improve services in which there are states that have proven that they can improve services for our clients, as well as streamline and be more efficient with the taxpayer dollar, what should we do as legislators, and as people who run this State and who are about to increase taxes on the people out there? Our public taxpayers are going to be taxed higher from what this Legislative Session looks like. It looks like it's going to be going in that direction. And so if we can, we should provide better services.

"He talks about the issue of bringing it down to telephone type applications. As I explained during the last Third Reading on a bill that pertained to this issue, telephone applications with human people, this is the hybrid of the different plans. Human people will actually bring it so that each person who applies for this kind of assistance, it makes it easier for them. And they still have options to go face-to-face and take these applications. You can do face-to-face, web, or telephone applications. They're proving it. It states it right in these programs that other people are doing. When they did the research, it states that the fraud and all of these other issues are common myths.

"What this is about is people who embraced telephone applications during a time when applications were plentiful and they said, 'Okay. Maybe we can make it easier. Let's do telephone applications,' and they started implementing this last year in November. Nobody complained then. Now when DHS wants to fully utilize the program and maybe shut down some of these offices so you don't have to have full-fledged offices. You can do community partnerships, and you can do other things to still have that ability to do face-to-face interviews.

"It's about change, Mr. Speaker. It's about doing things better, Mr. Speaker. It's about being able to live within our means. Of course we're going to have people within DHS, EPOD or eligibility being upset about this move because they possibly could lose their job. Wouldn't you sign a petition if you thought you were going to lose your job? That's the issue. Yes, this is a very difficult decision to make, but we cannot continue to be going down this road, doing the status quo, continuing to operate when we know there are better ways to operate.

"Mr. Speaker, we can dig our heels in and say, 'No. Let's not get rid of any positions.' But you know, this budget actually agrees with some of the layoffs that we've done. It doesn't put back all the funding in for every single laid-off position that there was. Why? Because we can't afford it. Mr. Speaker, we have to put our feet down and make difficult decisions, just like that guy who did the invocation the morning. And if we have different opinions on how to do it, so be it. Thank you."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. But I'd like to just make a brief rebuttal. It'll be very brief. I want to support the efforts of the task force, the creation of a task force in this bill. Before the Human Services Committee, we heard not just testimony of DHS workers, but we heard testimony of people of the Big Island, prosecutors who are initiating fraud cases. One of the big thoughts that was raised with this EPOD reorganization is the potential for fraud. So while there are disagreements, I think we need to slow this process down a little bit, and have all the stakeholders come to the table so that when we do the change that we must do, that we do it right and not in the waning months of an outgoing Administration. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, I wish to speak on SB No. 2650. Thank you, very much. First of all, I want to speak in favor of this measure and I would want to incorporate the remarks of the Representative from Kalihi Valley as my own.

"Mr. Speaker, for many years I was the Director of an anti-poverty program. And I personally started as the director of the operation of a grassroots project. We started with community organizations throughout the community and worked with the poor people. Mr. Speaker, many of the poor people have difficulty in working with the institutions that provide services. Many of them lack the education. They lack skills, so they need assistance from case workers, and assistance from outreach workers which we would provided through the former Department of Social Services. And even then, we had some complaints against DSSH saying they weren't providing enough.

"But the essence of this, and what I'm trying to say is for all the human services and contracts that we have right now on Maui, we would not have any offices at all. Or on Molokai, or Lanai, especially in the rural areas, they will have a very difficult time in trying to adapt without any assistance at all. In fact, the State called upon MEO to provide the help to get those who cannot communicate too well, and teach them how to work through the Internet. Many of them don't have computers, so I don't know how they're going to enroll in a program. If you're from Molokai, Lanai, or from Halawa, forget it.

"So Mr. Speaker, I know we don't have enough money and I accept some of the comments made by the Minority Leader that we are in a dire situation. But we must remember the role of the Legislature for the most part, is to take care of those that cannot take care of themselves. That's our role, to provide for a 'safety net' for those that cannot take care of themselves. For those who can take care of themselves, let them go on. But for the poor, we have a vested responsibility. Thank you."

The Chair then stated:

"Members, we've had a lot of discussion. This particular measure will be going to the Finance Committee, and at that Committee hearing the members of the Finance Committee and those who are interested may attend that hearing.

"So please with your indulgence, our Neighbor Island colleagues have their flight to catch since this is Friday. So can we proceed on? And let's have most of your comments on Second Reading be inserted in the Journal. With your indulgence, Members. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2650, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 869-10) recommending that S.B. No. 2942, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2942, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 870-10) recommending that S.B. No. 2409, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2409, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 871-10) recommending that S.B. No. 2491, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2491, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 872-10) recommending that S.B. No. 2811, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2811, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 873-10) recommending that S.B. No. 2745, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2745, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 874-10) recommending that S.B. No. 2270, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2270, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 875-10) recommending that S.B. No. 2286, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2286, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 876-10) recommending that S.B. No. 2810, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2810, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 877-10) recommending that S.B. No. 2488, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2488, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 878-10) recommending that S.B. No. 2919, SD 1, HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2919, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2919, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," was referred to the Committee on Finance, with Representative Rhoads voting no, and with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 879-10) recommending that S.B. No. 358, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 358, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 358, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Judiciary, with

Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 880-10) recommending that S.B. No. 2494, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2494, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2494, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 881-10) recommending that S.B. No. 2599, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2599, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 882-10) recommending that S.B. No. 2600, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2600, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 883-10) recommending that S.B. No. 2859, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2859, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 884-10) recommending that S.B. No. 2524, SD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2524, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 885-10) recommending that S.B. No. 2068, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2068, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 886-10) recommending that S.B. No. 2452, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2452, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 887-10) recommending that S.B. No. 2589, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2589, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 888-10) recommending that S.B. No. 2164, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2164, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 889-10) recommending that S.B. No. 2169, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2169, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," was referred to the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 890-10) recommending that S.B. No. 2951, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2951, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the

Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 891-10) recommending that S.B. No. 2903, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2903, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 892-10) recommending that S.B. No. 2523, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2523, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 893-10) recommending that S.B. No. 2527, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2527, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 894-10) recommending that S.B. No. 2144, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2144, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 895-10) recommending that S.B. No. 2291, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2291, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 896-10) recommending that S.B. No. 2548, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2548, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 897-10) recommending that S.B. No. 2775, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2775, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representatives McKelvey and Manahan, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 898-10) recommending that S.B. No. 2646, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2646, SD 1, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support for Senate Bill 2646, SD1, HD1, Relating to Hawaii Surfing Reserves. This bill would establish surfing reserves within the State, one in Waikiki, one on the North Shore and one on Maui. The designation of surfing reserves would establish formal recognition of quality surfing sites within the State. Hawaii is the birthplace of surfing, and this bill will further recognize and promote one of Hawaii's contributions to the world.

"I do want to ensure that the bill will retain the original intent to create memorials of just two world-renowned, premiere surf spots in Hawaii, the North Shore and Waikiki. Although there are several famous surf spots throughout the State, the intent of the bill is to preserve the historical heritage of these two surf locations. The bill should also not mandate any ocean activity restrictions.

"I strongly support the original intent of this bill to preserve the surfing heritage of Senate Bill 2646."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2646, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 899-10) recommending that S.B. No. 2378, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2378, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 900-10) recommending that S.B. No. 2752, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2752, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 901-10) recommending that S.B. No. 930, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 930, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 902-10) recommending that S.B. No. 950, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 950, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict on Stand. Com. Rep. No. 902. My law firm is currently engaged in a lawsuit regarding tasers and its excessive use of force in the County of Maui. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 950, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 903-10) recommending that S.B. No. 2818, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2818, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2818, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 904-10) recommending that S.B. No. 2863, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2863, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 905-10) recommending that S.B. No. 2828, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2828, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 906-10) recommending that S.B. No. 2716, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2716, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 907-10) recommending that S.B. No. 2897, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 908-10), recommending that H.R. No. 59, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 59, HD 1, entitled: "HOUSE RESOLUTION REQUESTING STATE DEPARTMENTS TO USE TRADITIONAL HAWAIIAN NAMES WHEN IDENTIFYING FISHPONDS," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Chang,

Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 909-10), recommending that H.C.R. No. 109, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 109, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE DEPARTMENTS TO USE TRADITIONAL HAWAIIAN NAMES WHEN IDENTIFYING FISHPONDS," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 910-10), recommending that H.R. No. 56, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 56, entitled: "HOUSE RESOLUTION SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION AND ITS OLA HAWAIʻI PROGRAM AS DYNAMIC CONTRIBUTORS TO THE BETTERMENT OF THE CONDITIONS AND RELATIONSHIPS BETWEEN NATIVE HAWAIIANS AND THE VISITOR INDUSTRY OF HAWAIʻI," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 911-10), recommending that H.C.R. No. 105, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION AND ITS OLA HAWAIʻI PROGRAM AS DYNAMIC CONTRIBUTORS TO THE BETTERMENT OF THE CONDITIONS AND RELATIONSHIPS BETWEEN NATIVE HAWAIIANS AND THE VISITOR INDUSTRY OF HAWAIʻI," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 912-10), recommending that H.C.R. No. 106, be referred jointly to the Committee on Higher Education and the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII AND HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EMERGING TRADITIONAL KNOWLEDGE SUPPLEMENT TO THE OCEAN LITERACY PRINCIPLES," was referred jointly to the Committee on Higher Education and the Committee on Education, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 913-10), recommending that H.C.R. No. 9, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 9, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE COMMUNITY GROUP PLANNING THE CREATION OF A MONUMENT TO HONOR QUEEN KA`AHUMANU IN OR NEAR HANA, MAUI," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 914-10), recommending that H.R. No. 127, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT GOVERNMENT AND PRIVATE SECTOR HUMAN RESOURCES TASK FORCE TO STUDY THE SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN STATE GOVERNMENT AND THE STREAMLINING OF OPERATIONS BETWEEN THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT AND LINE DEPARTMENTS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 915-10), recommending that H.C.R. No. 194, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A JOINT GOVERNMENT AND PRIVATE SECTOR HUMAN RESOURCES TASK FORCE TO STUDY THE SIMPLIFICATION OF JOB CLASSIFICATIONS WITHIN STATE GOVERNMENT AND THE STREAMLINING OF OPERATIONS BETWEEN THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT AND LINE DEPARTMENTS," was referred to the Committee on Finance, with Representatives Carroll, Chang, Har, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolution, seconded by Representative Evans and carried: (Representatives Carroll, Chang, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward were excused.)

H.C.R. No. 18, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolution was taken from the Clerk's desk and the following action taken:

H.C.R. No. 18, SD 1:

Representative B. Oshiro moved that H.C.R. No. 18, SD 1, be Adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure, stating:

"Thank you. I rise in support of this resolution. Thank you, Mr. Speaker. I just wanted to mention one thing. The University has made great strides in its efforts to put together a new building for the Cancer Research Center, and it was because of us urging the University, as part of the deal to build the UH Medical School, that they come forward and do this.

"So I'm so glad to be standing here today supporting their efforts to continue in their obligation that they promised in the year 2001. Thank you, Mr. Speaker."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm, we are representing a party that is disputing the construction of the Center. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.C.R. No. 18, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was Adopted, with Representatives Carroll, Chang, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward being excused.

ADJOURNMENT

At 1:03 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 22, 2010. (Representatives Carroll, Chang, Manahan, Morita, M. Oshiro, Sagum, Tokioka and Ward were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolution:

H.C.R. No. 18, SD 1

THIRTY-SIXTH DAY

Monday, March 22, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:07 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Pastor Mark Randolph of Gateway Ministries, Kauai, after which the Roll was called showing all Members present with the exception of Representatives Bertram and Carroll, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 214) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 214, transmitting S.B. No. 771, SD 1, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
March 19, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 771

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 771, entitled "A Bill for an Act Relating to Appraisals."

The purpose of this bill is to require real estate appraisers to comply with the Uniform Standards of Professional Appraisal Practice when they are acting as arbitrators. The bill also requires that the record of an award in an arbitration proceeding conducted by an appraiser include specific findings of fact, evidence, and the appraiser's reasoning for the award.

This bill is objectionable because appraisers who serve as arbitrators are not engaging in the practice of real estate appraisal. The fact that arbitration is being conducted for the purpose of determining the value of real estate does not cure this objection. Arbitration is an alternative dispute resolution process used to reach a compromise solution, and not an appraisal. In an arbitration proceeding, the parties submit their cases to an impartial person or panel for what is intended to be a final, binding decision.

During an arbitration proceeding to determine the value of real estate, both sides typically hire their own appraisers as expert witnesses. These expert witnesses are required by state statute to follow the Uniform Standards of Professional Appraisal Practice ("USPAP") if they perform an appraisal. Arbitrators therefore have an opportunity to evaluate competing and USPAP conforming appraisals and make an accordingly informed decision.

Forcing arbitrators to use USPAP would require them to follow a standard that is not applicable to their proceedings, increasing costs and lengthening the process of arbitration. It would be more appropriate to require these panels to follow the Uniform Arbitration Act, as set forth in Chapter 658A of the Hawaii Revised Statutes, and amend the chapter to specify the award explanation.

While requiring arbitrators to comply with USPAP is not an appropriate mechanism for improving transparency, there is some merit in the second element of this legislation, which would require that the record of an award in an arbitration proceeding conducted by an appraiser include specific findings of fact, evidence, and the appraiser's reasoning for the award. Parties to arbitrations that determine the value of real estate might indeed benefit from a more detailed rationale for an arbitration award. Accordingly, legislation along these lines may be worth pursuing in the future, with the input of all stakeholders. However, while improving the transparency of these types of arbitration proceedings deserves attention, this bill, as written, is not the appropriate mechanism for achieving that goal.

For the foregoing reasons, I am returning Senate Bill No. 771 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 351) was received and announced by the Clerk:

Sen. Com. No. 351, transmitting H.B. No. 2845, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," which passed Third Reading in the Senate on March 19, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Bertram and Carroll were excused.)

H.B. No. 2845, HD 1, (SD 1)

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative M. Oshiro introduced his constituents from Wahiawa, home-school student, Miss Erin Ishiyama, and her mother, Mrs. Debbie Ishiyama.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 267) was announced by the Clerk and the following action taken:

H.R. No. 267, entitled: "HOUSE RESOLUTION COMMENDING THE HAWAII METH PROJECT FOR USING INNOVATIVE MESSAGING TO GREATLY REDUCE METH USE IN HAWAII," was jointly offered by Representatives Ward, Brower, McKelvey, Aquino, Bertram, Keith-Agaran, Magaoay, Saiki, Souki and Yamashita.

Representative Ward moved that H.R. No. 267 be adopted, seconded by Representative Mizuno.

Representative Ward, after playing two of the Hawaii Meth Project's radio advertisements, commended and thanked the Hawaii Meth Project on their extensive work in fighting Meth use in Hawaii.

Representative Ward then recognized and introduced the Ms. Cindy Adams, Executive Director of the Hawaii Meth Project, who was seated on the Floor of the House.

Representative Mizuno recognized and introduced other honorees seated on the Floor of the House:

Mr. and Mrs. Rick and Carolyn Denney, volunteers with the Hawaii Meth Project who have been directly affected by a close family member who is recovering from meth addiction;

Ms. Lori Lum, of Watanabe Ing, a supporter of the Meth Project Hawaii; and

Ms. Jennifer Phakoom, Program Manager for the Hawaii Meth Project.

Representative Ward then introduced supporters who were seated in the Gallery:

Ms. Dana Gusman of Watanabe Ing;
Ms. Laura Chapman, and her daughter, Ms. Caroline Chapman; and
Ms. Brooke Wilson.

Representative Karamatsu commended the Hawaii Meth Project on their work in the community.

Representative Cabanilla thanked the Hawaii Meth Project for their efforts in eradicating meth addiction.

The motion was put to vote by the Chair and carried, and H.R. No. 267 was adopted, with Representatives Bertram, Carroll and M. Lee being excused.

The following resolution (H.R. No. 268) was announced by the Clerk and the following action taken:

H.R. No. 268, entitled: "HOUSE RESOLUTION CONGRATULATING AND HONORING JAMES CAMPBELL HIGH SCHOOL FOR INNOVATIVE AND ACADEMIC ACHIEVEMENTS," was offered by Representative Pine.

Representative Pine moved that H.R. No. 268 be adopted, seconded by Representative Cabanilla.

Representative Pine commended James Campbell High School on their many achievements.

Representative Pine then recognized and introduced Dr. Gail Awakuni, Principal of James Campbell High School, and as a former student, thanked her for all she has done to encourage students to be all that they can be.

Representative Cabanilla thanked Dr. Awakuni and commended James Campbell High School on going from a 50% retention rate of freshmen to a 95% retention rate in just 10 years.

Representative Cabanilla also recognized Ms. Marites Barangan, 2008 Milken recipient, who could not be here today.

Representative Berg acknowledged and thanked Dr. Awakuni for her leadership in both James Campbell High School and the community.

Representative Marumoto commended and lauded James Campbell High School on many outstanding programs, and Advanced Placement classes.

Representative Takai congratulated James Campbell High School on becoming a Title I High School, and recognized Dr. Awakuni as being the 2005 National Principal of the Year.

Representative Ching also thanked Dr. Awakuni.

The motion was put to vote by the Chair and carried, and H.R. No. 268 was adopted, with Representatives Bertram, Carroll, Chong, M. Lee, Nishimoto and Saiki being excused.

At 12:48 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 916-10), recommending that H.R. No. 53, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 917-10), recommending that H.C.R. No. 101, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 53, and H.C.R. No. 101, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused; and

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 918-10), recommending that H.R. No. 95, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 919-10), recommending that H.C.R. No. 157, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 95, and H.C.R. No. 157, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Say rose to speak in support of both measures, stating:

"Mr. Speaker. On behalf of Representative Marilyn Lee and myself, I have some written comments in strong support of these measures that I'd like to insert in the Journal. And also I would like to share with the Members of the House, the pedestrian flag as a sample. In strong support on both measures on behalf of Representative Marilyn Lee and myself. Thank you."

Representative M. Lee's written remarks are as follows:

"In support, Mr. Speaker. Mr. Speaker, we have failed to adopt this measure before, but can no longer ignore the need for a grassroots solution to the every-growing pedestrian deaths.

"Over the past few years, we have seen an increase in pedestrian deaths which can no longer be ignored. Since 2005, the number has continued to rise. In response we have adopted stricter jaywalking laws and attempted to educate the public via platforms such as Walk Wise Hawaii. Walk Wise is a subgroup of the Department of Transportation, 'Safe Communities' program. The Department of Transportation has recognized, as have I, that engineering solutions are costly and difficult to implement. Enforcement (such as ticketing jaywalkers) has not proven useful in reducing pedestrian deaths among seniors.

"Our attempt to change behavior via fines has had little effect on seniors which are largely the victims of pedestrian death. Meanwhile, 13 other states are seeing a decrease in pedestrian death and their method is a simple and inexpensive pedestrian safety flag. In Pennsylvania, the flags cost less than $250 for some of the borough's busiest. As a result, there have been no major pedestrian accidents in those areas recently. The decrease has occurred because these simple flags greatly increase motorists' compliance in giving pedestrians the right of way at crosswalks.

"This inexpensive flag incorporates the 'pedestrian safety for seniors' recommendation that one wear bright or light colored clothing and use retro-reflective materials when dark outside. In addition, the flag will eliminate the adversarial attitude between pedestrians and drivers, with each group blaming the other.

"In closing, this pedestrian flag program will lead to a safer environment by creating accountability and awareness in both pedestrians and drivers."

Representative Ching rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.R. 95 and H.C.R 157 – which requests the Department of Transportation and the Department of Transportation Services of the City and County of Honolulu to implement a pedestrian flag safety program.

"While the program cannot realistically be applied to sites with heavy pedestrian traffic, as the number of flags would not be implementable. I would like to see this flag safety program continue to be implemented along the Pali Highway, where we have had numerous pedestrian accidents, including the death of an elder earlier this year. This program could also service as a part of an overall comprehensive approach with education, awareness, and other pedestrian safety measures. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Pine rose to speak in support of both measures with reservations, stating:

"Yes, I just want to note my reservations on these resolutions that request the State Department of Transportation and the Department of Transportation Services of the City and County of Honolulu to implement a pedestrian flag safety program."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO IMPLEMENT A PEDESTRIAN FLAG SAFETY PROGRAM," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused; and

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO IMPLEMENT A PEDESTRIAN FLAG SAFETY PROGRAM," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 920-10), recommending that H.R. No. 99, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 921-10), recommending that H.C.R. No. 161, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H2 FREEWAY FROM MILILANI MAUKA," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 922-10), recommending that H.R. No. 134, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 923-10), recommending that H.C.R. No. 206, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 924-10), recommending that H.R. No. 101, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 925-10), recommending that H.C.R. No. 164, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 101, and H.C.R. No. 164, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 101, entitled: "HOUSE RESOLUTION REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was referred to the Committee on Judiciary, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused; and

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A RECOMMENDATION ON INCREASED PENALTIES FOR THE OFFENSE OF HABITUALLY OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," was referred to the Committee on Judiciary, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 926-10), recommending that H.R. No. 105, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 105, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR AND WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 927-10), recommending that H.C.R. No. 169, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 169, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR AND WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was referred to the Committee on Finance, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 928-10), recommending that S.C.R. No. 76, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 76, HD 1, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with slight reservations. Mr. Speaker, my reservations are that I commend the reso because it's trying to get some safety standards for various types of vehicles: for mopeds, to hybrids, to powerful mopeds, to all terrain vehicles, bicycles, and Segways. I should say that I campaigned on a Segway. I don't know if that's a conflict of interest, or it means I'm going to speak with a little bit of authority, but I know what a Segway is, and I know it's not comparable to a powerful moped that goes 45 mph. We go 8 mph.

"How can we do a study with all of these mixed together? It's like saying we're going to put the Army, the Air Force, the Marines, and everybody together in a study rather than each of them deserving their particular due.

"Case in point, the moped is probably one of the most dangerous things on the highway to not only the public, but to the drivers of these really rapid unlicensed vehicles. So Mr. Speaker, I think it's convenient that the DOT says, 'Hey, do a study.' That's great, but to lump all these together. If we really want to get some substantive results out of it, I think we're just making a potpourri for the sake of getting the job done, and getting this thing in and out. Those are my reservations Mr. Speaker, thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of S.C.R 76 HD1 – which requests a study to recommend statutory amendments to address the safe and proper operation of bicycles, mopeds, two-seat mopeds, Segways, hybrid bicycles, powerful mopeds, and all-terrain vehicles.

"I have been assured by the Department of Transportation that this study would be cost neutral, and hope this measure will be able to address the evaluation and input of stakeholders on the much needed regulation of mopeds and other vehicles. As more citizens choose to use these types of vehicles as they are cost efficient alternatives to automobiles, it is crucial that begin discussing how we can keep all roadways safe, not only for drivers, but also for the well-being and quality of life of all citizens.

"In addition, I agree with the Hawaii Bicycling League to add bicyclists to the list of study participants, as they are a healthy alternative form of transportation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted, and S.C.R. No. 76, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO RECOMMEND STATUTORY AMENDMENTS TO ADDRESS THE SAFE AND PROPER OPERATION OF BICYCLES, MOPEDS, TWO-SEAT MOPEDS, SEGWAYS, HYBRID BICYCLES, POWERFUL MOPEDS, AND ALL-TERRAIN VEHICLES," was referred to the Committee on Judiciary, with Representatives Bertram, Carroll, M. Lee and Nishimoto being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Bertram, Carroll, M. Lee and Nishimoto were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2427, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Bertram, Carroll, M. Lee and Nishimoto were excused.)

ADJOURNMENT

At 1:05 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 23, 2010. (Representatives Bertram, Carroll, M. Lee and Nishimoto were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 2845, HD 1, SD 1

House Communication dated March 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 12, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2427, HD 1, SD 1

THIRTY-SEVENTH DAY

Tuesday, March 23, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Mr. Ryan Kalei Tsuji, son of Representative Tsuji, of the New Hope Christian Fellowship, after which the Roll was called showing all Members present with the exception of Representatives Ching and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Sixth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 215) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 215, dated March 12, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Annual Evaluation of the Hawaii Unemployment Compensation Fund for fiscal year ending June 30, 2009, as required by Section 386-126.5, Hawaii Revised Statutes.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 352 and 353) were received and announced by the Clerk:

Sen. Com. No. 352, transmitting H.B. No. 1853, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," which passed Third Reading in the Senate on March 22, 2010.

Sen. Com. No. 353, transmitting H.B. No. 2027, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," which passed Third Reading in the Senate on March 22, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Ching and Say were excused.)

H.B. No. 1853, (SD 1)
H.B. No. 2027, HD 1, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 64) was received by the Clerk and was placed on file:

Dept. Com. No. 64, dated March 19, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on a Security Breach at the University of Hawaii Honolulu Community College on February 1, 2010, per Section 487N-4, Hawaii Revised Statutes.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Mizuno introduced employees of the City and County of Honolulu and State of Hawaii: Ms. Yolanda Faria, Ms. Sharon Yamamoto, Ms. Belinda Ortega and Ms. Diane Hettwer.

Representative Tokioka, on behalf of Representatives Morita, Sagum and himself, introduced 7th and 8th grade students from Chiefess Kamakahelei Middle School with the SkillsUSA Program: Mr. Kaiea Iwasaki, Mr. Gregie Delos Santos, Mr. Taylor Cabacungan, Mr. Race Nakamura, Mr. Kal Anacleto, Mr. Justin Doi; and their teacher, Mr. Justin Carvalho. They were accompanied by legislative staff, Mr. Elija Davenport.

Representative Berg introduced Ms. Jocelyn Bischoff of Olomana School who was participating in the Leader for a Day legislative shadow program. She was accompanied by legislative staff, Mr. Matt Prellberg.

Representative M. Lee, on behalf of Representative Yamane and herself, introduced students from Mililani Ike elementary School with their teachers: Ms. Celeste Inaki, Mr. Lance Nishimura, Ms. Jennifer Terao, Ms. Shelly Yoshikawa; and chaperones, Mr. Patrick Kelly, Ms. Heather Tufo, Ms. Mae Miyashiro, Ms. Shannon Quista, Ms. Laura Sato, Ms. Liz Nakamura, Ms. Heidi Sparks, Ms. Cheryl Miyaji and Ms. Michele Wada.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. Nos.	**Re-referred to:**
81	Committee on Transportation
162	Committee on Tourism, Culture, & International Affairs

H.C.R. No.	**Re-referred to:**
141	Committee on Transportation

S.B. Nos.	**Re-referred to:**
2532	Committee on Water, Land, & Ocean Resources
2570, SD1, HD1	Committee on Education, then to the Committee on Finance
2571, SD2, HD1	Committee on Education, then to the Committee on Finance
2617, SD1	Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 929-10) recommending that S.B. No. 2910, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 929-10 on S.B. No. 2910, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2910, HD 1, were made available to the Members of the House.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representative Say was excused.)

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 930-10) recommending that S.B. No. 2772, SD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2772, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Third Reading by a vote of 50 ayes, with Representative Say being excused.

At 12:15 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2772, SD 2

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representative Say was excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to H.B. No. 2427, HD 1, (SD 1), seconded by Representative Evans.

At 12:16 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to H.B. No. 2427, HD 1, (SD 1). (Representative Say was excused.)

H.B. No. 2427, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 2427, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Nakashima rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"I stand in strong support of HB 2427, relating to solid waste management. This measure is a demonstration of representative democracy in action, Mr. Speaker, as it was an idea that resulted from a community meeting where a member of the Honoka'a Community lamented the waste of money that the County was required to pay in order to meet the provisions of the law. This measure before us would change that law by extending the period between the submittal of integrated solid waste management plans by the counties to the Department of Health from every five years to every 10 years with an interim status report submitted at the five-year point. I urge my colleagues to support it for a number of reasons.

"First, it would save each of the counties between $100,000 to $200,000 every five years. The scope of the revision of the plans requires significant staff time and the hiring of consultants. Although a few hundred thousand dollars amount may appear small in comparison to the size of our State budget, I am sure that my colleagues would agree with me in recognizing that in these difficult fiscal times, all cost savings must be utilized. I am certain that the mayors and county councils can find better use for this money.

"In addition to the savings, this bill would assist the counties in more accurate urban planning, as the current period of five years between waste management plans is far too short. Extending the period to 10 years will give the counties a longer period to predict and analyze waste trends, making the plans much more useful. It will also allow each county's respective environmental management office to focus on other areas as each review can take up to two years to complete in order for data to be properly collected and analyzed. This will hopefully allow the counties to garner the time and resources to implement their plans instead of constantly revising them.

"Thank you, Mr. Speaker."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support H.B. 2427, H.D. 1, S.D. 1, which changes the frequency for the counties to submit solid waste plans from once every five years to once every ten years. The additional time will make the plans a more practical and useable tool for all stakeholders.

"Submitting reports every ten years provides a longer period for planning and analyzing solid waste trends. The current five-year interval is too short to complete an accurate solid waste plan, and certainly in practice the present goal of periodic updating has been followed more in the breach than in the observance. The solid waste advisory committee needs at least one year's data to analyze and then write the report. This process can take well over two years resulting in counties continuously working on plan updates rather than putting more resources into actual implementation of plans.

"In addition to making the plan an exercise in real planning, this change will also save the counties money. The revision process is complex and costly, and usually involves hiring consultants to conduct the planning process. This amendment will save the counties between one hundred thousand to two hundred thousand dollars per county for each plan revision, and hopefully will result in more meaningful data for future revisions.

"I finally commend the gentleman from Honokaa for introducing this measure and the Chairs of the Committees in both Chambers who moved this measure forward in a timely and efficient manner. I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and H.B. No. 2427, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Final Reading by a vote of 50 ayes, with Representative Say being excused.

At 12:19 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2427, HD 1, SD 1

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolution, seconded by Representative Evans and carried: (Representatives Say was excused.)

H.C.R. No. 67, (SD 1)

FINAL ADOPTION

H.C.R. No. 67, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 67, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was Adopted, with Representative Say being excused.

ANNOUNCEMENTS

Representative McKelvey: "Thank you, Mr. Speaker. This is just a reminder Mr. Speaker and colleagues, that we are reconvening for a Joint Session here at 2:00 p.m. today to award the Hawaii Medal of Honor in these Chambers. We just ask that if Members come a little early to be seated by 1:45, that would be great.

"And for those Representatives who have volunteered to partner with a family, please don't forget to introduce yourself to your assigned family before the Ceremony begins. I know they will greatly appreciate that. Thank you, very much."

RECESS

At 12:21 o'clock p.m., the Chair declared a recess and the House of Representatives stood in recess, and in accordance with House Concurrent Resolution No. 3, met in Joint Session with the Senate, for the Hawaii Medal of Honor Ceremony.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Fifth Legislature was called to order at 2:03 o'clock p.m. by the Honorable Calvin K.Y. Say, Speaker of the House.

The Speaker addressed the Chamber, stating:

"The Joint Session called pursuant to a Concurrent Resolution adopted by the Members of the House and the Members of the Senate is called to order.

"This is indeed a momentous occasion. We honor the members of the Armed Forces of the United States, with ties to Hawaii, who fought and died bravely, in a combat zone designated by Presidential Order.

"On behalf of the Senate President and all of the Members of the Hawaii State Legislature, I convey our deepest condolences to our very special guests – the family, the friends and colleagues of loved ones, who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence here today.

"At this time please rise for the posting of the colors by the Joint Service Color Guard, the Hawaii Air National Guard, and the Royal Guard; and also remain standing for the singing of the National Anthem and Hawaii Pono'i by Ms. Tracy Toguchi; which will be followed by the invocation by Reverend William H. Kaina.

"Joint Service Color Guard and Royal Guard, please present the colors."

At this time, the Members of the House, Senate, guests, and audience rose for the presentation of our Nation's and our State's Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard. The singing of the National Anthem and *Hawaii Pono'i* was led by Ms. Traci Toguchi, thereafter the invocation was delivered by Reverend William H. Kaina.

Speaker Say then addressed the Members, guests and audience as follows:

"Mahalo Joint Service Color Guard, to the Royal Guard, to Ms. Toguchi, and to Reverend Kaina for your participation in today's ceremony is greatly appreciated.

"To all of you here this afternoon, good afternoon and aloha!

"This is the 5th year that I stand on this dais in tribute to the recipients of the Hawaii Medal of Honor. On a personal note, it has not gotten any easier. Each year, I cannot reflect on the lives prematurely lost in the middle-East without feeling profound sorrow. I see the faces of the loved ones they have left behind, etched with a sadness and pain that I cannot possibly assuage. I wish I could.

"All I can do is to tell you that each of you has lost a remarkable father, mother, son, daughter, uncle, aunt, cousin, or friend this past year … a true American patriot.

"While we take our everyday lives for granted, our soldiers are dying on foreign soil, under unforgiving conditions, to ensure that the rest of us may continue our lives and lifestyles. By their willingness to "walk the walk," instead of just "talk the talk," and by sacrificing their own personal security, they are sacrificing their own, giving up their lives which is their most precious gifts, that of liberty and freedom. We must always remember that these freedoms are not free--they have been paid for by the blood of our men and women in the armed forces.

"I only hope that you, who have lost loved ones, will be comforted in knowing that their sacrifice will not be forgotten. Many of you may not remember what was said today, but everyone will remember the brave men and women who perished in combat for the United States of America, and the ideals for which we stand. Each will be a part of a chapter in American history. Each will join the ranks of other gallant soldiers, who perished before them in conflicts dating back to our independence… all for the sake of democracy.

"President Abraham Lincoln expressed it best when he learned of Mrs. Bixby, a mother who lost two sons during the Civil War and he says and he wrote to her to say, in part:

"I cannot refrain from tendering you the consolation that may be found in the thanks of the republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

"I leave you with the knowledge that, one day, the name of your valiant soldier will be permanently inscribed in stone for future generations of Americans to know and appreciate. They will become eternal… like the light from the skies that brightly blesses our state and our country… forever.

"I wish you peace, comfort, and serenity in the memory of our fallen heroes.

"Before proceeding any further, I would like to acknowledge the presence of our military and congressional leaders. Would all of you please hold your applause until all of our distinguished are recognized."

At this time, the Speaker of the House introduced the following state, congressional and military leaders seated on the Floor of the House:

The Honorable Linda Lingle, Governor of the State of Hawaii;

Representing the Honorable Daniel K. Akaka, United States Senator: Mr. Ricky Oshiro;

Representing the Honorable Mazie Hirono, United States Congresswoman: Ms. Auli'i George;

Mr. Bill Paty, Civilian Aide to the Secretary of the Army Emeritus;

Ms. Christina Kemmer, Civilian Aide to the Secretary of the Army Emeritus;

Lieutenant General Keith Stalder, Commander, Marine Forces Pacific, and Mrs. Susan Stalder;

Major General Robert G.F. Lee, Adjutant General, Hawaii Department of Defense;

Major General Darryll D.M. Wong, Commander, Hawaii Air National Guard;

Major General Michael J. Terry, Commanding General, 8th Theater Sustainment Command, and Mrs. Cathy Terry;

Representing Lieutenant General Benjamin Mixon and the United States Army Pacific: Brigadier General John Ma;

Brigadier General Gary M. Ishikawa, Deputy Adjutant General, Hawaii Department of Defense;

Representing General Gary North and the Pacific Air Forces and 13th Air Force: Brigadier General H. Brent Baker, Sr.;

Brigadier General Stephen L. Jones, Commander, Tripler Army Medical Center;

Representing Major General Bernard S. Champoux and the 25th Infantry Division: Brigadier General James C. Nixon;

Brigadier General Alan Lynn, Commanding General, 311th SC (Theater), and Mrs. Brook Lynn;

Representing the Hawaii Army National Guard: Brigadier General Gary M. Hara, Assistant Adjutant General, and Mrs. Dianne Hara;

Rear Admiral Dixon R. Smith, Commander, Navy Region Hawaii, and Mrs. Kiki Smith;

Brigadier General Joseph Kim, Commander, 154th Wing, and Mrs. Kim;

Representing Rear Admiral Manson Brown and the Fourteenth Coast Guard District: Rear Admiral Steve Mehling;

Representing the Hawaii Army National Guard: Colonel Arthur Logan, and Mrs. Gaylene Logan; and

Representing Brigadier General Alexander Kozlov and the 9th Mission Support Command: Colonel Timothy Schroth.

The Speaker called upon the Honorable Linda Lingle to deliver her remarks as follows:

"Senate President Colleen Hanabusa, House Speaker Calvin Say, Legislators, Major General Bob Lee, all the military leaders here with us today, especially to the husbands and wives, mothers and fathers, sisters and brothers, sons and daughters, and other loved ones of the fallen.

"I regret that we had to gather here today. Nonetheless it's important that we do so in order to honor the 28 servicemembers who are a part of our Hawaii *ohana* and who gave the ultimate sacrifice of their life.

"I want to commend Representative Mark Takai and Members of the Legislature for the formulation and initiation of this Medal of Honor Ceremony, and for it taking place each year.

"We need to come together to recognize the sacrifice that was made, and we need to put it into a historic, as well as a modern context. These Americans who gave their lives so that we could be secure in our freedoms and free from terrorism, did so much more than that for the people of Iraq, so that they could be free, and for the people in Afghanistan and the freedoms that will follow there.

"I can't help but think, as a woman, what life was like for women in Afghanistan in particular, before America's commitment. And while it's a huge price to pay, the fact is before America's involvement, women were treated like pack animals. Young girls were not able to go to school. No woman was able to reach her potential in that country, and in fact, that's what the terrorists want for the entire world. They want a place where women are no better than animals.

"So this sacrifice is one that no words can ever equal. They pale in comparison to the sacrifice that was made. And yet we each want to offer specific words of gratitude to each of the family members and loved ones.

"The recent elections in Iraq tell a part of the story of the sacrifice of these men and women because the candidates in Iraq who were backed by the extremist religious groups did not get elected. There would have been no elections without the sacrifice of the men and women we honor today, as well as thousands of others who gave their lives.

"The United States forces will continue to be drawn down in Iraq. They are projected to be down to 50,000 by the end of August of this year, with all troops expected to be out by the end of 2011. And by the grace of God, that will occur and the people of Iraq will be able to defend their own new, stable, and democratic country in the middle of the Middle East.

"It was these American troops and their sacrifices that made this happen. Just like America did in World War I, World War II, and Korea, it was your loved ones who allowed people worldwide to enjoy freedom.

"I was asked yesterday by one of the members of my personal security detail who has children. We were talking about education issues. And this person asked me if I believe there should be standard curriculum in America. And if schools everywhere in America should be teaching exactly the same thing.

"And I told him that while I think schools on the East Coast and the West Coast may come at issues in a slightly different way because of the way our histories have developed, I believe as a fact, that every American child should grow up understanding the fact that were it not for the sacrifices of tens of thousands of Americans, as well as their families, the world today would not be free. Not only would America not be free, no nation on Earth would be free had it not been for the sacrifices we made as Americans and others made in the Second World War.

"So yes, I believe American children need to be taught that in clear, unequivocal terms that it's our sacrifices. It's our sacrifices today that are enabling people to live in freedom where they wouldn't have freedom if not for these men and women, and for the support of their families.

"America has always been a beacon for liberty. We have fought for those who could not fight for themselves. This is especially true about our Hawaii based troops. Kaneohe Marines soldiers from the 25th Infantry Division and our own National Guard 29th Infantry Brigade Combat Team who have served and assisted Iraq in their national elections.

"To the families who are here today, I know I speak on behalf of Senate President Hanabusa, Speaker Say, indeed every elected official in the State and all of the people who we represent that we owe you a tremendous debt of gratitude. And that we appreciate you taking the time and going to the effort to be here today. Your sacrifice is laudable and extremely honorable. We wanted you to know that from our perspective, although the loss can never be healed completely, your family members were not lost in vain.

"The fact that we believe that does not take away your pain, but future generations will look at these family members as heroes. All of you will remain in the hearts and in the thoughts of the people of Hawaii. We all owe you, along with the rest of America, a tremendous debt of thanks and gratitude."

Speaker Say then called upon Major General Robert Lee to deliver his remarks on behalf of the military as follows:

"Thank you, Speaker Say. Good afternoon and aloha. I want to thank everyone for coming to this Medal of Honor Ceremony today. Your presence here is a strong testimony to the great support that Hawaii has for our military personnel, our veterans, and their families.

"Again we gather here at the State Capitol for this solemn ceremony and this year we honor 28 Soldiers, Marines, Sailors, and Airmen, including members of our own Hawaii Army National Guard 29th Infantry Brigade Combat team who gave their lives for our nation.

"Our nation remains engaged on two fronts, Afghanistan and Iraq, and our brave men and women in our armed forces continue to serve in harm's way as they have done for these past nine years. In the combat zone, they sacrificed. They fought for their buddies, and for their fellow Americans. They fought for the ideals found in our Constitution. They each swore to support and defend and to bear true faith and allegiance to our Constitution.

"Our 28 heroes we honor today more than fulfill any obligations they owe to us. That is why it's so difficult for families and friends to comprehend their loss. Taken in their prime of life, and whose full potential will not be realized. We will lament the missed birthdays, anniversaries, holidays, and thousands of other daily events that could have been. We will continue to mourn the premature passing of our brothers and sisters in arms.

"The State Medal of Honor is Hawaii's way to remember our Soldiers, Sailors, Marines, Airmen, and Coastguardsmen who made the ultimate sacrifice. To show our appreciation to their families, to share in their loss, and to assure them that they will always be part of our State's *ohana* or family.

"It doesn't matter if the servicemember grew up in Hawaii, or first set foot upon these beautiful islands as part of a Hawaii-based unit. They are still embraced as part of our *ohana*.

"We appreciate even more President Abraham Lincoln's humble wisdom at Gettysburg:

> When brave young men and women die, it is their deeds, not our words that are remembered. It is their sacrifice, not our brief recollection that will offer everlasting testimony to their love for others and their love for us.

"So to the families and friends of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today, and forever, shall be your devoted *ohana*. May God bless all of you, and may God Bless the United States of America."

At this time, the Speaker of the House and the President of the Senate presented the Hawaii Medal of Honor. The Clerk of the House of Representatives announced the names of the Hawaii Medal of Honor recipients, which was followed by the ringing of the memorial bell.

United States Army Specialist Cwislyn K. Walter.
Specialist Walter was 19. She was from Honolulu, Hawaii, a 2007 graduate of Farrington High School and served with the 29th Special Troops Battalion, 29th Infantry Brigade Combat Team of the Hawaii National Guard. Here to receive her medal were her parents Kiwis and Conception Walter.

United States Army First Lieutenant Daniel B. Hyde.
First Lieutenant Hyde was 24. He was from Modesto, California and served with the 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal was his father Brian Hyde.

United States Army Sergeant Devin C. Poche.
Sergeant Poche was 25. He was from Jacksonville, North Carolina and served with the Special Troops Battalion, 3rd Brigade, 25th Infantry Division from Schofield Barracks. Here to receive his medal were his mother Sandra Poche and his sister Nikia Poche.

United States Army Corporal Michael J. Anaya.
Corporal Anaya was 23. He was from Crestview, Florida and served with the 2nd Battalion, 27th Infantry Regiment, 3rd Infantry Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal were family friends Sergeant Justin Minisall and Specialist Christopher Stone.

United States Air Force First Lieutenant Roslyn L. Schulte.
First Lieutenant Schulte was 25. She was from St. Louis, Missouri and served with the Pacific Air Forces Headquarters at Hickam Air Force Base. Here to receive her medal was her Commander Lieutenant Colonel Christopher Sartorius.

United States Army Sergeant Jasper K. Obakrairur.
Sergeant Obakrairur was 26. He lived in Hilo, Hawaii and was a student at the University of Hawaii at Hilo. He was from Koror, Palau and served with the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division (Light Division) from Fort Drum, New York. Here to receive his medal were his parents Damei Obakrairur and Florence Kambalang.

United States Army Major Rocco M. Barnes.
Major Barnes was 50. He was from Los Angeles, California, a member of the Tactical Command Post, 40th Infantry Division of the California Army National Guard and served as an individual augmentee to the 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, from Marine Corps Base Hawaii. Here to receive his medal were his mother Grace Barnes-Filo and sister Therese Barnes-Filo.

United States Marine Corps Lance Corporal Joshua R. Whittle.
Lance Corporal Whittle was 20. He was from Downey, California and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his mother Crystal Vincent and aunt Denise Vincent.

United States Army Corporal Casey L. Hills.
Corporal Hills was 23. He was from Salem, Illinois and served with the 100th Battalion, 442nd Infantry Regiment from Pago Pago, American Samoa that was attached to the Hawaii National Guard's 29th Infantry Brigade Combat Team. Here to receive his medal was his Commander Lieutenant Colonel Michael Peeters.

United States Marine Corps Corporal Matthew R. Lembke.
Corporal Lembke was 22. He was from Tualatin, Oregon and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were family friends Staff Sergeant Kevin Clark and Priscilla Clark.

United States Marine Corps Lance Corporal James D. Argentine.
Lance Corporal Argentine was 22. He was from Farmingdale, New York and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal was his mother Janet Argentine.

United States Marine Corps Lance Corporal Travis T. Babine.
Lance Corporal Babine was 20. He was from San Antonio, Texas and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal was family friend Hospital Corpsman Third Class Jordan Potts.

United States Marine Corps Sergeant Jay M. Hoskins.
Sergeant Hoskins was 24. He was from Paris, Texas and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his wife Chandler Hoskins and their sons Tristen and Jay Hoskins.

United States Marine Corps Corporal Christian A. Guzman Rivera.
Corporal Guzman Rivera was 21. He was from Homestead, Florida and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his parents Felix and Velma Torres.

United States Marine Corps Lance Corporal Joshua M. Bernard.
Lance Corporal Bernard was 21. He was from New Portland, Maine and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his parents John and Sharon Bernard.

United States Marine Corps Lance Corporal John J. Malone.
Lance Corporal Malone was 24. He was from Yonkers, New York and served with the 2nd Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were family friends Corporal Ryan Broadsky and Lance Corporal Michael Duchini.

United States Marine Corps Lance Corporal Zachary D. TenBrook.
Lance Corporal TenBrook was 21. He was from Middlebury, Indiana and served with the 1st Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his parents Doug and Kim TenBrook.

United States Army Chief Warrant Officer 2 Earl R. Scott III.
Chief Warrant officer Scott was 24. He was from Jacksonville, Florida and served with the 2nd Squadron, 6th Cavalry Regiment, 25th Brigade Combat Team, 25th Infantry Division from Schofield Barracks. Here to receive his medal was his girlfriend Tara Reyna.

United States Marine Corps Lance Corporal Mark David Juarez.
Lance Corporal Juarez was 22. He was from San Antonio, Texas and served with the 1st Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal were his parents George Juarez and Cynthia Juarez Flores.

United States Marine Corps Lance Corporal Jacob A. Meinert.
Lance Corporal Meinert was 20. He was from Fort Atkinson, Wisconsin and served with the 1st Battalion, 3rd Marines, 3rd Marine Division, III Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal was his mother Krista Meinert Edquist.

The Clerk of the Senate proceeded to read the names of the other Hawaii Medal of Honor recipients whose friends and family could not be at the ceremony today:

United States Army Specialist Christopher P. Sweet

United States Army Sergeant Raphael A. Futrell

United States Navy Lieutenant Junior Grade Francis L. Toner IV

United States Army Command Sergeant Major Benjamin Moore Jr.

United States Army Staff Sergeant Randy S. Agno

United States Navy Petty Officer 3rd Class (Hospital Corpsman) Anthony C. Garcia

United States Marine Corps Lance Corporal Alfonso Ochoa Jr.

United States Army Chief Warrant Officer 2 Mathew C. Heffelfinger

At this time, Members of the Hickam Base Honor Guard proceeded with a 21-gun Salute and the playing of Taps outside the House Chamber in the Capitol Rotunda, which was then followed by a moment of silence.

President Hanabusa then gave her closing remarks as follows:

"In the 2005 Legislative Session, what has come to be known as Act 21 was passed into law. It's time for us to reflect as to what exactly the Legislature intended at that time.

"The preamble says, "The purpose of this Act is to provide for a Hawaii Medal of Honor that will help express a deep gratitude and appreciation of the people of Hawaii through the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedom."

"It is all but a small token of the appreciation of the people of this State for your loved ones who have touched us by either serving in our military establishments here, or being one of our *keiki 'o ka aina* as we would say.

"Let's look at what it has represented over the past five years. There have been 269 medals presented in these Chambers. In the year 2006, there were 120. I remember the medals came after 9/11 and part of the 120 in that year reflected 83. 83 who had died in combat in Afghanistan and Iraq since 9/11 up to the date February 14, 2005. In 2007, 67 medals were given. In 2008, 31. In 2009, 23; and this year, 28.

"For us, there are truly 269 medals too many. And we may not say that to the loved ones who are here to receive the medal. For many of us, five years is too long. And each year I know, as Speaker and I sit at this dais, we always look at each other and say, 'I hope this is the last year.'

"This is one of the most difficult things that we do as a legislative body, and this year Sergeant Hoskins, his two children, made it very difficult. And I thought at that time, what do you say to two young boys? What do you say to them?

"You know, we reflected upon something that I recalled. I was there when the Medal of Honor was presented to the 442nd in Washington D.C. One of my classmate's father was a recipient. He never mentioned anything. When I ask him why? Why did you not even mention that you were a Silver Star recipient, and that even to get him to go to the Medal of Honor ceremonies was a task. He said, 'I did what I did for my country so that my children would never have to see war again.'

"And I thought today, especially as we watched those two young children, that that is probably why everyone in uniform serves: so that they will never need to see war. But we need all of you, because you are so willing, and so many have given the ultimate sacrifice so the rest of us can sit here, stand here, and engage in open debate and open discussion, because you have done the ultimate sacrifice and that's to ensure our freedom and our ability to be Americans, and our ability to appreciate all the freedoms that this Country represents.

"So please, on behalf of the State of Hawaii, of the people of this wonderful place that we all call home, accept our deep-felt thanks to all of you, the loved ones. And all of you who are in uniform who will continue to serve so that we may benefit from the greatest freedoms on this earth, and the wonderful right to be Americans and to call the United States our home. Thank you, very much.

"Members of the House and Senate, and special guests, please rise for the retiring of the colors."

The President of the Senate then called on the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard for the retiring of the Colors, and at 3:13 o'clock p.m., declared the Joint Session of the House of Representatives and the Senate adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, March 24, 2010.

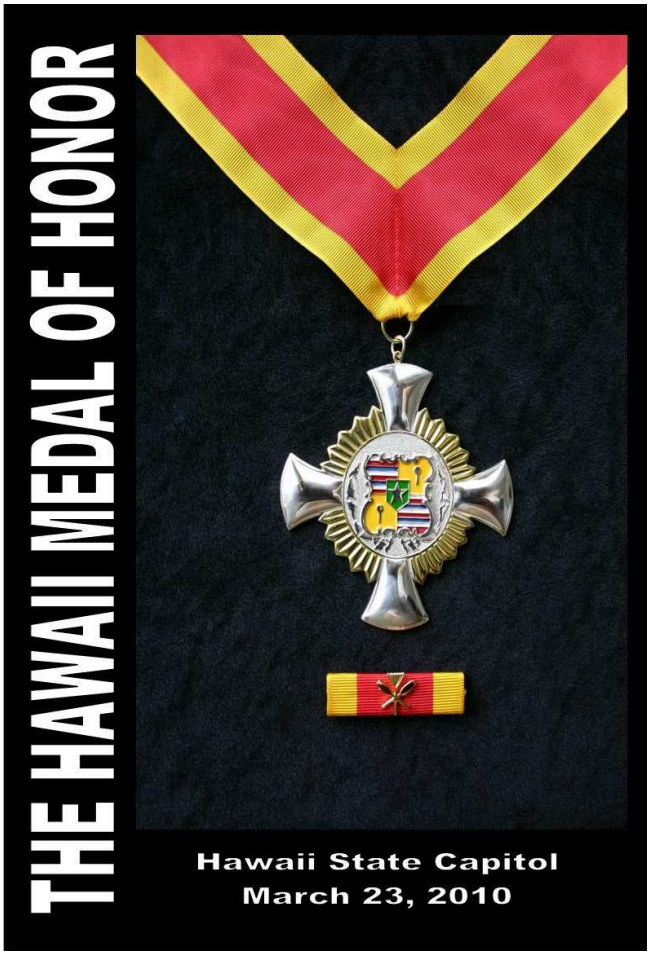
HOUSE COMMUNICATIONS

House Communication dated March 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 1853, SD 1
H.B. No. 2027, HD 1, SD 1

House Communication dated March 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2427, HD 1, SD 1



Symbolism of the Hawaii Medal of Honor

The Hawaii Medal of Honor was designed by Sergeant First Class Aaron Pollick from the Hawaii Army National Guard. This medal consists of the following six components, superimposed on each other:

Circle of Kalo Leaves: The kalo leaves represent the family or Ohana. The leaves are designed in an encircled fashion and represents the concept of Ohana, which we strive to embrace.

Coat of Arms: The Great Shield is the keystone of the design. The eight bars represent the eight major islands of the State of Hawaii. The kapu sticks, or Pulo'ulo'u, symbolize authority and protection. The star in the center of the medallion is the Star of Hawaii, the 50th star on the flag of the United States. This star also represents the honorees of this prestigious award.

Maltese Cross: The Maltese Cross represents the four directional axes of the globe, denoting Hawaii as the Crossroads of the Pacific.

Sun Rays: The irradiant sun is symbolic of the new era. Its position in the center of the Maltese Cross represents our sunny shores and warm hearts ever shining on all the corners of the world.

The Neck Drape: The neck drape is red and golden yellow in color. These colors symbolize the royal monarchy that once ruled these islands. The red represents courage and strength. The golden yellow depicts the honor that the recipients have brought to our islands.

Service Ribbon & Attachment: The service ribbon represents distinguished service. Its colors are identical to the colors of the neck drape. The attachment device at the middle of the ribbon is an ancient flag or puela of Hawaiian Chiefs. In olden times, the puela was raised above the sail of the ancient Hawaiians' canoes while at sea. Our puela signifies that the person receiving this medal is of high rank or honor.

JOINT SESSION OF
THE HAWAII STATE LEGISLATURE
HOUSE CHAMBERS
March 23, 2010 * 2:00 pm

HAWAII MEDAL OF HONOR

PROGRAM

Call to Order	House Speaker Calvin K.Y. Say
Posting of the Colors	United States Pacific Command Joint Service Color Guard Hawaii Air National Guard Royal Guard
National Anthem & Hawaii Pono'i	Ms. Traci Toguchi Former Miss Hawaii
Invocation	Reverend William H. Kaina
Welcome & Introduction of Guests	House Speaker Calvin K.Y. Say
Governor's Message	Governor Linda Lingle
Military Address	Major General Robert G.F. Lee
Hawaii Medal of Honor Presentation	House Speaker Calvin K.Y. Say Senate President Colleen Hanabusa Governor Linda Lingle Major General Robert G.F. Lee
Presentation of Certificates	Representative Angus L.K. McKelvey Senator Will Espero
Rendering of Honors	United States Navy
21-Gun Salute	Hickam Base Honor Guard
Taps	Marine Forces Pacific Band
Closing Remarks	Senate President Colleen Hanabusa
Retiring of the Colors	

2010 HAWAII MEDAL OF HONOR RECIPIENTS

United States Army Specialist Christopher P. Sweet
United States Army Specialist Cwislyn K. Walter
United States Army First Lieutenant Daniel B. Hyde
United States Army Sergeant Raphael A. Futrell
United States Navy Lieutenant Junior Grade Francis L. Toner IV
United States Army Sergeant Devin C. Poche
United States Army Corporal Michael J. Anaya
United States Army Command Sergeant Major Benjamin Moore Jr.
United States Army Staff Sergeant Randy S. Agno
United States Air Force First Lieutenant Roslyn L. Schulte
United States Army Sergeant Jasper K. Obakrairur
United States Army Major Rocco M. Barnes
United States Marine Corps Lance Corporal Joshua R. Whittle
United States Army Corporal Casey L. Hills
United States Marine Corps Corporal Matthew R. Lembke
United States Navy Petty Officer 3rd Class (Hospital Corpsman) Anthony C. Garcia
United States Marine Corps Lance Corporal James D. Argentine
United States Marine Corps Lance Corporal Travis T. Babine
United States Marine Corps Sergeant Jay M. Hoskins
United States Marine Corps Corporal Christian A. Guzman Rivera
United States Marine Corps Lance Corporal Joshua M. Bernard
United States Marine Corps Lance Corporal John J. Malone
United States Marine Corps Private First Class Zachary D. TenBrook
United States Marine Corps Lance Corporal Alfonso Ochoa Jr.
United States Army Chief Warrant Officer 2 Earl R. Scott III
United States Army Chief Warrant Officer 2 Mathew C. Heffelfinger
United States Marine Corps Lance Corporal Mark David Juarez
United States Marine Corps Lance Corporal Jacob A. Meinert

From House Bill 8, designated as Act 21, Session Laws of Hawaii 2005:

"The purpose of this Act is to provide for a Hawaii Medal of Honor that would help express the deep appreciation and gratitude of the People of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms."

Acknowledgements

Patricia A. Mau-Shimizu, House Chief Clerk & her staff
Carol Taniguchi, Senate Chief Clerk & her staff
Kevin R. Kuroda, House Sergeant-at-Arms & his staff
Ben Villaflor, Senate Sergeant-at-Arms & his staff
Linda Luli Nakasone Oamilda, House Majority Staff Office & her staff
Dennis Fujii, United States Pacific Command
Kole M. Miller, Chief of Protocol, 25th Infantry Division
Ms. Ernestine Pratt, US Army
Mr. Leighton Siu
Sergeant First Class Aaron R. Pollick
Kent Untermann & Valerie Wang, Pictures Plus
Rose Lee, Rose Lee's Alterations
Ty & Cindy Tamanaha, Awardline
Pearl Harbor Historic Sites
- World War II Valor in the Pacific National Monument
- USS Bowfin Submarine Museum & Park
- Battleship Missouri Memorial
- Pacific Aviation Museum – Pearl Harbor

Hale Koa Hotel
Polynesian Cultural Center
Hawaii Hotel & Lodging Association
Capitol TV

Planning Committee

Senate President Colleen Hanabusa
House Speaker Calvin K.Y. Say
Senator Will Espero
Representative Angus L.K. McKelvey
Representative K. Mark Takai
Major General Robert G.F. Lee
Patricia A. Mau-Shimizu, House Chief Clerk
Carol Taniguchi, Senate Chief Clerk
Kevin R. Kuroda, House Sergeant-at-Arms
Ben Villaflor, Senate Sergeant-at-Arms
Lisa Vargas

Special Acknowledgement

Representative K. Mark Takai and Ms. Lisa Vargas for their unwavering commitment to honor these families and tireless efforts to ensure that each designated medal is received by the intended family.

THIRTY-EIGHTH DAY

Wednesday, March 24, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Pastor Randy Furushima, Academic Vice President of the Pacific Rim Christian College, after which the Roll was called showing all Members present with the exception of Representatives Belatti, Chang and Say, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 216 and 217) were received and announced by the Clerk:

Gov. Msg. No. 216, informing the House that on March 23, 2010, the following bill was signed into law:

S.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES." (ACT 009)

Gov. Msg. No. 217, dated March 18, 2010, requesting emergency appropriations of $40,000,000 in general funds and a matching $80,000,000 in federal Medicaid funds for FY 10 to address a funding shortfall in the Medicaid program, and that an offsetting reduction be made by amending Act 162, SLH 2009, to reduce the HMS 401 budget by $40,000,000 in general funds for FY 11, and that the Legislature identify a suitable bill to insert these provisions. [Note: See S.B. No. 1178]

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Pine, on behalf of Representative Cabanilla and herself, introduced Ewa Beach homeschoolers visiting the Capitol:

Ms. Valerie Fernandez with children, Rachel and Jerad;
Ms. Jessica Ka'auwai with children, Gabbie, Charles, Dustin and Ellie;
Ms. Simone Carges with children, Shoshana and Noah;
Ms. Marisol Pena with children, Christina and Daniel;
Ms. Judy Wood with children, Anna and Rebecca;
Ms. Teresa Heyer with children, Vanessa and Travis.
Ms. Rhonda Stoltzfus with children, Emma, Morgan and Simon; and
Ms. Tara Qalo with children, Shekinah and Destiny.

Representative Evans introduced members of the Hawaii Farmers Union participating in Agriculture Sustainability Day: Vice President, Ms. Lydi Morgan; Secretary, Ms. Ramona Hiilawe Gamayo; and members, Ms. Pamela Boyar, Mr. Travis Overly, Mr. Jay Ogden, and Ms. Annie Suite. They were accompanied by legislative staff Mr. Baron Gushiken.

Representative Ching introduced her niece, Ms. Lauren Day; and her daughter, Miss Anna Lauren Lerner. They were accompanied by legislative staff, Ms. Elise Anderson.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 269) was announced by the Clerk and the following action taken:

H.R. No. 269, entitled: "HOUSE RESOLUTION HONORING PASTORS ELWIN P. AHU AND ROY YAMAMOTO JR. FOR THEIR SUCCESSFUL LEADERSHIP OF, AND DEDICATION TO, THE NEW HOPE CHRISTIAN FELLOWSHIP," was offered by Representative Awana.

Representative Awana moved that H.R. No. 269 be adopted, seconded by Representative Hanohano.

Representative Manahan introduced Pastor Elwin P. Ahu who was seated on the Floor of the House, and commended him for his devotion to serving others and leading a purposeful life.

Representative Awana introduced Pastor Roy Yamamoto, Jr. who was seated on the Floor of the House, and thanked him for his dedication as Prison Ministry Pastor and outreach to serve inmates, as well as their families.

Representative Awana then introduced Mr. Yamamoto's daughter, Ms. Kristin Yamamoto who was seated in the Gallery, as well as the many friends, family and volunteers of New Hope Fellowship also seated in the Gallery:

Mr. Ryan Tsuji;
Ms. Jana Alcain;
Ms. Laure Adaro;
Ms. Arlene Iwano;
Ms. Donna Mae Katsura;
Ms. Laurie Komeji;
Ms. Charlotte Skanning;
Mr. Eun Ho Lee;
Mr. Chad Brownstewin;
Mr. Tim Savage;
Mr. Makana;
Mr. Dean Ito;
Mr. Johnston Kapua;
Mr. Tony Lee;
Ms. Candace Francis;
Mr. Blane Chong; and
Mr. Tom Sing.

Representative Ward also commended Pastor Elwin and Pastor Roy for being inspirational role models.

Representative Ching also thanked the honorees for their work in serving our communities.

Vice Speaker Magaoay also expressed his congratulations to Pastor Roy.

The motion was put to vote by the Chair and carried, and H.R. No. 269 was adopted, with Representatives Belatti, Chang, Nakashima, Saiki and Say being excused.

The following resolution (H.R. No. 270) was announced by the Clerk and the following action taken:

H.R. No. 270, entitled: "HOUSE RESOLUTION COMMENDING PAST AND PRESENT WORKERS OF THE FILM OFFICE OF THE STATE OF HAWAII DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," was jointly offered by Representatives McKelvey and Choy.

Representative McKelvey moved that H.R. No. 270 be adopted, seconded by Representative Evans.

Representative McKelvey recognized the efforts of Hawaii Film Office, and commended the staff members' dedication to developing the film industry as an economic engine in our State.

Representative McKelvey then introduced Ms. Donne Dawson, former Film Office Manager who was seated on the Floor of the House.

Representative Evans then introduced additional honorees seated on the Floor of the House:

Ms. Charlene "Chuckie" Kwak, retired Film Branch Secretary;

Mr. Brent Anbe, and Mr. Kevin Inouye, former Film Industry Specialists; and

Ms. Sandi Ichihara-Abe, Senior Film Industry Specialist.

Representative Choy then introduced family, friends and supporters who were seated in the Gallery:

Ms. Dawson's mother, Ms. Beadie Kanahele Dawson; and friend, Ms. Carol Lee Arnold;

Mr. Bill Meyer, Entertainment Attorney with Dwyer Schraff Meyer Grant & Green;

Mr. Sean Shodahl of the Hawaii International Film Festival;

Mr. Anbe's mother, Ms. Amy Anbe; aunt, Ms. Jane Uesugi; niece, Ms. Jazlin Chang; and friend, Ms. Thea Matsuda;

Ms. Ichihara-Abe's husband, Mr. Erik Abe;

Mr. Dave Rosen, President of Shooters Film; and their staff, Mr. Darrin Kaneshiro, Mr. Gerard Elmore, and Ms. Lauren Inake;

Mr. Jason Suapaia, President of 1013 Integrated; and

Mr. Nathan Kurosawa, independent filmmaker and writer/director of "The Ride."

Representative Karamatsu expressed his appreciation to the Film Office for their work in making Hawaii competitive internationally in the film industry.

Representative Yamane as a former Chair of Tourism, and on behalf of the current Tourism Chair, thanked the staff of the Film Office for their role in the growth of the film industry in Hawaii, and the economic impact that it has had.

Representative Ching also thanked the staff of the Film Office for their understanding and expertise of the film industry.

Vice Chair Magaoay offered his appreciation on behalf of his sister who has worked on film projects with members of the Film Office staff.

The motion was put to vote by the Chair and carried, and H.R. No. 270 was adopted, with Representatives Belatti, Berg, Chang and Saiki being excused.

At 12:41 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m., with the Speaker presiding.

STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"With your indulgence, because pages 2 through 15 of the Order of the Day will be referred to other Committees, if you have any comments that you'd like to make, I ask that it be inserted in the Journal at this point in time as we go through the pages. This is so we can meet our deadline, and also to meet the farmers up at the Fourth Floor, for those of you who have not attended the Farm Bureau presentations today."

Representative Mizuno, for the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 931-10), recommending that H.R. No. 148, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 932-10), recommending that H.C.R. No. 219, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 148, HD 1, and H.C.R. No. 219, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose in opposition to both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in strong opposition to HR 148 and HCR 219. These resolutions require the Department of Human Services to delay the implementation of the Eligibility Processing Operations Division (EPOD) system which will ultimately save the State millions in tax dollars.

"First and foremost, if government has the ability to provide better services by improving its programs, then it should do so for the sake of the citizens that it serves. Second, if the State can streamline and save money by implementing new programs, then it should do so in order to ensure a fiscally responsible government. In times of economic recession, it is irresponsible for the government to spend money it does not have.

"We have been presented with the opportunity to reinvent government with a new system that like any new program, will take some time to get used to, but will ultimately yield positive results for those individuals who receive benefits. Why should we continue to make people wait in long lines and inefficiently process individuals, when we have an opportunity to improve the delivery of services? It is unfortunate that positions must be cut, but we must reinvent government. Fiscal realities leave us with no other choice; we cannot continue to employ individuals who are no longer needed. It is unfair to force taxpayers to foot the bill for a bloated and inefficient bureaucracy."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ching rose in support of both measures with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.R. 148 and H.C.R. 219 - Directing the Department of Human Services to Stop its Proposed Reorganization of the Benefits, Employment, Support Services and Med QUEST Divisions until a Legislative Task Force Evaluates the Proposal.

"While I see the benefits of a task force weighing the proposed changes, DHS has found a need to reform a part of its Department, and I believe we should allow them to do so in a timely manner. I believe change and reform are necessary at this time, and I worry that this task force will slow down the changes and reforms being proposed by DHS. Also, my hope is that the task force is conducted in a fair and bipartisan manner and that we can look at the task force findings with an open-mind. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 148, HD 1, entitled: "HOUSE RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, ENMPLOYMENT [*sic*], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was referred to the Committee on

Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, ENMPLOYMENT [*sic*], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 933-10), recommending that H.R. No. 79, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 934-10), recommending that H.C.R. No. 138, be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 79, and H.C.R. No. 138, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 79, entitled: "HOUSE RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE EXPENSES TO REDUCE THE NEED TO INCREASE MAINTENANCE FEES AND DUES," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE EXPENSES TO REDUCE THE NEED TO INCREASE MAINTENANCE FEES AND DUES," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 935-10), recommending that H.R. No. 62, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 936-10), recommending that H.C.R. No. 114, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 62, HD 1, and H.C.R. No. 114, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Brower rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Brower's written remarks are as follows:

"My Resolutions simply ask the Department of Land & Natural Resources (DLNR), the Hawaii Public Housing Authority (HPHA) and its contractors, and any other appropriate State agency to work together to identify land in Hawaii that could be used for a safe zone.

"Homeless individuals need a place to sleep at night. Despite vacancies in our shelters, they are illegally camping on public and private property. Their scattered locations make it difficult for homeless service providers to get to them. Homeless safe zones would designate land for homeless individuals to stay at night with their tents in a reasonably safe and supervised setting.

"There are private organizations that are willing to provide this type of service to the homeless – some may be able to provide this service on their own property.

"Provider agencies may also use grant or other funds to rent the property or lease or contract with the Department of Land and Natural Resources (DLNR) to use available public lands.

"We currently envision an open land space with a few amenities. Homeless safe zones established by the provider agency would, at a minimum, provide basic sanitary facilities (such as porta-potties) and a place for the homeless to sleep, but may or may not offer the protection of a security guard.

"As the process moves on, the homeless safe zone could be modified as needed."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 937-10), recommending that H.C.R. No. 262, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 938-10), recommending that H.C.R. No. 139, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 939-10), recommending that H.C.R. No. 173, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 173, be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL DISASTER PREPAREDNESS TRAINING CENTER AT THE UNIVERSITY OF HAWAII AT MANOA TO PREPARE A REPORT ON THE CIVIL DEFENSE PREPAREDNESS RESPONSE TO THE FEBRUARY, 2010 TSUNAMI THREAT," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 940-10), recommending that H.R. No. 100, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 941-10), recommending that H.C.R. No. 162, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 100, and H.C.R. No. 162, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative M. Lee rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I am in support of HR100 and HCR162. The programs which prepare soon-to-be-released prisoners to deal with parenting issues will benefit Hawaii as a whole. The difficulties associated with reintegration create long lasting problems which we as a State then have to remediate. Demanding that the Department of Public Safety take on this task is the right thing to do for our families, communities and future."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 942-10), recommending that H.R. No. 120, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 943-10), recommending that H.C.R. No. 187, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 120, and H.C.R. No. 187, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 944-10), recommending that H.R. No. 121, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 945-10), recommending that H.C.R. No. 188, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 946-10), recommending that H.R. No. 88, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was referred to the Committee on Judiciary, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 947-10), recommending that H.C.R. No. 149, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R.

No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was referred to the Committee on Judiciary, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Hanohano and McKelvey, for the Committee on Public Safety and the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 948-10), recommending that H.R. No. 123, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 949-10), recommending that H.C.R. No. 190, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 123, and H.C.R. No. 190, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. I stand with reservations on Stand. Com. Rep. Nos. 948 and 949 please, and would like to submit written comments. Almost a no vote in fact."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition [*sic*] to HR 123 and HCR 190, urging the National Guard Hawaii Youth Challenge program to consider alternative sites for its program activities on the Island of Hawaii.

"The Hawaii Youth Challenge program helps at-risk kids succeed in various aspects of their life by providing them with academic support and job skills training, and by teaching them other valuable life skills. The Kulani site that the program currently makes use of, has all the facilities that the program needs. Other surveyed sites surveyed don't, and would impair the program's mission. For these reasons, Mr. Speaker, I oppose HR 123 and HCR 190."

Representative Pine rose to speak in support of both measures with reservations, stating:

"Yes, reservations for me as well, and I would like to use the written comments of the previous speaker as my own," and the Chair, "so ordered." (By reference only.)

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 123, entitled: "HOUSE RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 950-10), recommending that H.R. No. 236, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 236, HD 1, entitled: "HOUSE RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 951-10), recommending that H.C.R. No. 289, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 289, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 952-10), recommending that H.R. No. 25, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 25, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 953-10), recommending that H.C.R. No. 65, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Tourism,

Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 954-10), recommending that H.R. No. 15, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 15, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 955-10), recommending that H.C.R. No. 53, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 956-10), recommending that H.C.R. No. 200, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 200, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.C.R. 200 – which requests the Legislative Reference Bureau to study the feasibility of establishing a state-owned bank.

"I believe the State should restrain itself in encroaching on what should properly be the private sector. As stated in testimony from the Department of Commerce and Consumer Affairs, "…it should be noted that the banking and financial services landscape in [North Dakota] is far different than that which prevails in Hawaii… The Bank of North Dakota serves as a 'central bank' for these smaller organizations, providing clearing and payment services, settlement programs and other correspondent banking services, which the larger Hawaii banks either do not need or which they already obtain elsewhere."

"Our State cannot afford to convene a study on an issue that is most not likely beneficial to our State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE-OWNED BANK," was referred to the Committee on Finance, with Representative Ching voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 957-10), recommending that H.R. No. 205, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 205, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes I would like to register a no vote on Stand. Com. Rep. No. 957 and may I just say a couple of sentences? And I'll be quick. This basically establishes policies for all the video that we do here in the House of Representatives. And the reason I've changed my support for this measure is because the public has been telling me that this building does not really open access to what we do here, and that's their opinion.

"And there's a section in this resolution, and this is something that we've always supported, but it basically says that only bona fide news organizations and educational institutions should be authorized to use the material that we see here. As you know, this really limits access to the public from what we do here.

"Some of them don't know when some of the programming is going to be on television. And I believe that as this goes to Finance we should make a statement that the House of Representatives in the State of Hawaii is different than other government agencies. That we believe that government is best when the people have access to information.

"And so I hope that we can change that and allow the public to come and have access because they actually own the video. We keep forgetting that we don't own this building. We don't own the video. The taxpayers who paid for this building, pay for our salaries, and pay for the video – they own the video. And so let's try to change that to make them have access to that."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition for three reasons. Very briefly, and because I heard the farmers have already gone back to their flocks and their thing, so we don't have to rush too much.

"The first issue is the access issue. Mr. Speaker, I've said on this Floor many times and spoke with the vision that unless we push this down the road to be a C-SPAN, we're fooling ourselves. So it's access. We have too little of it.

"And the other issue is the approval process. Sometimes really heated hearings never get covered because of the approval process. And I know Mr. Speaker, you're a good judge of character and other issues, but you are only one person. It would be better if the decision making was like when we approve our mailings. There's a committee from the Minority and the Majority that says, 'Hey this is a good idea,' or 'This is not a good idea.' Having it just in the Speaker's Office I think is a little bit too unilateral.

"And lastly the ownership issue my colleague has just spoken of in terms of it belongs to the people. It's theirs. It's their taxes and it should be their property also. Thank you."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.R 205 – which establishes policies for the legislative broadcast program's cablecasts of House of Representative's proceedings.

"While I understand the intention of this measure, in view of what has happened this year, whereby votes were miscounted on a Minority member's bill and the mistake only caught on Minority Caucus' cameras, it appears this subject needs revisiting. I enter into record the opinion article from the *Honolulu Advertiser* dated March 5, 2010 entitled, "Legislators: Stand up and be Counted" by Common Cause, League of Women Voters of Hawaii, and others.

"I feel we should protect the public's right to access and not curb in anyway the Minority's broadcast. The language of this measure does not adequately protect the rights of the Minority and seems questionable. People should be allowed to tape hearings or Floor sessions. The public should never be denied access in a place that belongs to them. Thank you."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 957, in strong support. And I'd like to follow the rules, so I'm going to submit written testimony in favor of this. Thank you very much, Mr. Speaker."

Representative Tokioka's written remarks are as follows:

"Mr. Speaker, thank you for permission to insert written remarks in support of this measure, HR205 entitled, Establishing Policies for the Legislative Broadcast Program Cablecasts of House of Representatives' Proceedings, which I note has been adopted in substantially the same form since the project's inception in the mid-1990's.

"Written remarks have afforded me the opportunity to reflect on my colleagues' comments made during debate on this measure. And written remarks afford me the opportunity to correct erroneous statements, incorrect assumptions and illogical conclusions.

"I am surprised … perplexed … confused … puzzled … and mystified.

"SURPRISED at the comment from the Representative from Hawaii Kai bemoaning the level of access offered to our constituents. He mentions C-SPAN as an objective to achieve, and as a Neighbor Island Representative, I agree with him wholeheartedly. However in my 4 years sitting as a member of the House Finance Committee with the Hawaii Kai Representative, I do not recall any attempt on his part to increase the level of funding for the annual Legislative Broadcast appropriation of $175,000 to be shared equally with the Senate. In fact, research indicates that this appropriation has not increased for the past 10 years, despite rising programming costs.

"For example, all statewide cable broadcasts are closed captioned to accommodate the hearing impaired. As you know Mr. Speaker, closed captioning services are not free, and have increased the hourly rate of program preparation and recording services substantially. Despite increased project costs, it was the right thing to do to assist Hawaii's very active hearing impaired community remain involved in the lawmaking process here at the Capitol, especially during these difficult economic times.

"PERPLEXED at the comments from the Representative from Ewa Beach documenting her concerns of a lack of: (1) access to programming material, and (2) information disseminated to the public about programming.

"Any member of the public, which also includes people in the Capitol Building, can contact the House Clerk or the Legislative Broadcast Contractor, and request a copy of any project programming. In fact, the Contractor's DVD request log on file with the House Clerk as of this date, indicates that House Minority staff has requested and received programming DVDs of hearings for the following dates:

January 5, 2010	January 8, 2010
January 11, 2010	January 13, 2010
January 19, 2010	January 20, 2010
January 21, 2010	January 22, 2010
January 27, 2010	January 28, 2010
February 18, 2010	February 22, 2010
February 23, 2010	February 24, 2010 [2 hearings]
February 25, 2010	March 2, 2010
March 3, 2010	March 4, 2010
March 18, 2010	

"I am also perplexed with that Representative's comment that some do not know when programming will be televised. On ALL House public and informational briefing notices the following advisory is included: "Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" Web site at www.capitoltv.org or call 526-2100." In addition, for Capitol occupants, the Public Access Room emails broadcast and re-broadcast schedules on a regular basis for information and dissemination to interested constituents.

"CONFUSED by subsequent comments from the Representative from Ewa Beach recalling her days in the media industry and difficulties obtaining information. And she further notes that obtaining information could take months or years. Since she cites difficulties with the Bush Administration and the Obama Administration, I can only assume that she is referring to the Federal Freedom of Information Act [FOIA].

"The FOIA is NOT operative in the request and release of Legislative Broadcast programming recorded by the legislative Contractor. Chapter 92 of the Hawaii Revised Statutes, 'Public Agency Meetings, Records' is the operative statutory scheme, if copies of House public records are being requested. Clearly, Legislative Broadcast tapes or DVDs kept on file in the House Clerk's Office are public records.

"The House Clerk has assured me that any and all requests for legislative broadcast programming materials recorded by the Contractor are fulfilled according to statutory requirements and Office of Information guidelines. Contrary to that Representative's assertions that people cannot come to the Capitol to get a copy of legislative broadcast programming, anyone can request this information. Moreover, no fees are charged for this service.

"PUZZLED by the comments from the House Minority Leader concerning the taping of proceedings here at the Capitol. Any member of the public has a right to attend any legislative deliberation and decision making. And any member of the public can come to the Capitol and tape proceedings as long as the taping does not interfere with any others wishing to participate in the process, and does not obstruct the work of elected members.

"Public access to, and recording of, legislative proceedings by constituents are being juxtaposed with Legislative Broadcast activities and programming by the Legislative Contractor, Capitol TV, the current Legislative Contractor which was awarded the contract for broadcast services by the House and the Senate acting in concert during the procurement process. A 'Request for Proposals' was duly issued and all State procurement requirements were adhered to.

"All programming material recorded and stored for access belongs to the House and the Senate respectively on behalf of the public, as taxpayer dollars were used. And as a result I believe that the final programming product of the Legislative Contractor, which is subsequently submitted to the House Clerk and Senate Clerk, should NOT be used for campaign or commercial purposes – by people in this Building.

"On the other hand, while I am not an attorney or versed in intellectual property law, I believe that if a member of the public were to tape legislative broadcast programming aired on 'Olelo OUTSIDE this building, that would be permissible under "public domain" laws and policies.

"And finally, Mr. Speaker, I am totally MYSTIFIED with comments from the Representative of the Kaimuki-Kahala area alleging that programming from presumably, the House Chamber, somehow deletes, obscures or covers up actual votes on the House Floor. She goes further to raise First Amendment rights, presumably of the Members on the Floor when they speak or cast votes.

"The Legislative Contractor has confirmed that he produces 'gavel-to-gavel' programming for statewide viewing on 'Olelo, and he fully understands the legislative process and recognizes the significance of 'open voting.' He has advised me that during rollcall votes in Chamber, the voice of the House Clerk is clear for audio purposes and the closed captioning subcontractor, as the House Clerk uses her Chamber desk microphone. On the other hand, when Members cast their votes, Member voices are not audible as they do not turn on their Chamber desk microphones. In those instances, the closed captioning contractor may post an 'Inaudible' or 'Not Audible' message at the bottom of the screen for viewer clarification.

"On the days when the Legislative Contractor is not televising Chamber proceedings statewide, the House Sergeant-at-Arms offers Chamber telecasts for internal viewing in the Capitol, which I believe includes Executive offices on the 5th Floor. The Sergeant-at-Arms has assured me that he does not tamper with the audio portions of any proceedings he broadcasts – during the debate or the taking of votes.

"I can only surmise that the Representative from Kaimuki-Kahala is referring to the viewing of a "bootleg" tape of Chamber proceedings for her assertions.

"I would advise the Representative from Kaimuki-Kahala that if she wants her rollcall vote to be recorded, she should turn on her Chamber desk microphone when she casts her vote.

"Mr. Speaker, I hope I have clarified some incorrect statements or misrepresentations. As your Legislative Management Chair, I would be the first to admonish staff or contract staff if wrongdoing or unethical behavior is called to my attention. However, when the work of hard-working supportive staff is called into question unfairly, I must set the record straight. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. And I'll be extremely brief. I think that our current policies are very much about access. First, let me say that the issue about distribution that has been raised by the Minority Floor Leader is a misinterpretation of the actual provision, because what that's about is licensure.

"Actually, there are specific organizations that have a license to have their videotaped proceedings and they are the ones that actually own it. And so at that point, for us to interfere with the relationship in terms of who they want to distribute to, it really is up to them. What we're saying is for licensure purposes of educational organizations that are bona fide, as well as news organizations are those that we will say their licensure should actually continue onwards.

"But overall what I do want to say is, this House is extremely accessible. This House is subject to the Uniform Information Practices Act under Chapter HRS 92F. And so there's nothing that I know of that actually precludes access.

"And unfortunately, if the Minority is afraid of and does not want to read the existing law under 92F that's what I would suggest they do before they start characterizing what this resolution is about, which is merely about the policies that have already been in place, continue to be in place, and if they wanted to have it improved, what I would have suggested is that they actually be at the hearing and actually have been in the discussion before we move this on in decision making."

Representative Pine rose, stating:

"First, a point of personal privilege. I was just attacked for not being in the hearing. I had to vote in two places and I asked for them to wait for me and that was not done. I started the discussion, and then they told me not to discuss it at that time and to wait. Then I was called to another hearing to vote. Okay.

"In rebuttal now. Mr. Speaker, I am very aware, as a former journalist, of us having to give access to the public. This is what happens under that statute. You request information. This has happened to journalists right now. You request access information and it could take months to years for whoever, depending on the situation, to actually get the information.

"Let's use for example under President Bush's term, a lot of media requested access to information and they granted maybe a quarter of that, okay. Under the current Obama Administration, they are only granting maybe not even a fourth of what President Bush has granted in President Bush's whole term to the media. And so if you want to start going down that law, according to federal statute and state statute relating to access to information. Imagine just a regular public person that does not have these licensing.

"What I'm saying is, let's make government more open. Let's show the people of Hawaii that you don't have to own a company to be able to know what happened in this building if you couldn't make it that day. They own this. Nobody else. And anyone from any type of organization should be able to come to the State Capitol and say, 'Hey, I missed that hearing. Could I get a copy?' And I apologize if I had misinterpreted some things in the resolution. Obviously, let's make it clearer so that even the public can understand. So if it is the intention of the House of Representatives to be open and give access, let's make this resolution say that, and do that."

The Chair then stated:

"Thank you, very much. I think the Committee on Finance will have an opportunity for this particular discussion. May we proceed on?"

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I did have some words please, in opposition. Thank you, Mr. Speaker. And with all due respect, I would like to disagree with the Majority Leader. I have read this resolution, and I read it multiple times because I actually signed on to the resolution last year and sat on the Committee.

"Unfortunately, there's really no one who testified on this, or are there people that you can ask questions of for this particular resolution. Let me just tell you. On one of the Whereas clauses in here it says, 'The legislative broadcast program is intended to increase public access to and participation in the legislative process.'

"What we have is a situation where, with all due respect Mr. Speaker, people have to go to you to be able to get approval of whether or not they can use the material that is recorded. So for instance, if I were a member of the public and I were to make a recording of this session that we're having right now, according to this resolution it says, ownership and use of programming tapes and cablecasts shall not be considered an official record of the meeting. It also says, 'tapes and cablecasts shall be considered the property of the House of Representatives.' I believe some of our people who work in our office have asked, 'What about the tape that we use for recording sessions or recording Committees,' and do the rules apply to those tapes of recordings that we do.

"So my guess is that this resolution also pertains to things that we've taped here on the session Floor or in Committee. Mr. Speaker, that means that if someone would like to get access to a part of, or a debate on the Floor that happens between two people on a particular bill, that is good information for them to know. What we were trying to do is provide access to that debate on say, a YouTube or something like that which is alternative media. People are at home at 12:00 at night coming home from work. They can see that debate. They can see the openness of this Legislature if we were to put that on YouTube. Mr. Speaker. We can't do that right now.

"Thank you, Mr. Speaker. I was actually not done yet. Can I submit more comments? Yes. Thank you."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HR 205. This resolution creates the possibility for the restriction of information coming from the Legislature, information that should be available for the public. By granting the Speaker of the House the absolute power to decide what material is made public, we take away the ability of providing our community with balanced information.

"Technology has advanced to the point where video recordings of our proceedings can be made available to all with tremendous ease. By mandating cumbersome requirements and not allowing clips and short segments with commentary to be made public, we take away an additional mechanism of ensuring accountability and checks and balances. Recordings such as the ones addressed in this resolution were solely

responsible for identifying an error in vote counts that initially denied the moving forward of a HB2311, a bill that ultimately passed out of the House unanimously. To deny the public all available forms of such information does a disservice to the people of this State."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. My understanding is that when there is a vote on the Floor of the House of Representatives, the licensed entity that covers it goes to like a test pattern and does not cover the actual vote of our proceedings down here. And I would say that this was not in the best interest of openness. Not in the best interest of transparency. And not in the best interest of sunshine.

"And so I'm very concerned about our First Amendment rights. I feel that the public has a right to know what happens in this building especially when it comes to votes. I don't think we need any type of censorship so, I would urge caution on this. I have no way to stop this except to express my feelings in a no vote. Thank you."

Representative Tokioka rose to respond, stating:

"Thank you, Mr. Speaker. Again, in strong support. I'd just like to clarify a few comments that were made earlier by the Minority Leader and the Representative from Ewa Beach. In one of the comments, it was said that there was no one in that meeting to ask questions to, or testify. I would like to state for the record that the Chief Clerk was in the room at that time. There was testimony from the League of Women Voters in support. There was testimony from Common Cause with comments.

"There was another comment that was made by the Representative from Ewa Beach about not being able to vote. At no time at that meeting was I asked, as the Chair of the meeting, to wait for her to vote. So if she had made that comment, she had not asked me in that meeting. I'm not sure if she asked the Vice Chair of that meeting, but I just wanted to make it clear that we would have entertained that if the question was asked. Thank you very much, Mr. Speaker."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. When I heard from the Minority Leader when she quoted from the second page, she quoted subsection number 5 and she tied that to some filming possibly, from people up in the Gallery. I don't read that into this resolution whatsoever, because if you looked at all the Whereas paragraphs and how it was framed, this is about the taxpayers who pay for what's called a Legislative Broadcast Program. We began that cable casting when the House of Representatives chose to do this on a pilot basis in 1994. What we did was we worked with 'Olelo Community Television to create this type of broadcast programming so people can view this.

"Now I think this policy is very appropriate because I know that in this House, when we want to send out newsletters and we're using taxpayers dollars, we actually run it through a Committee which we have the Minority and the Majority sitting on that Committee. And we want to make sure that when we're using taxpayer dollars, we're not using it for political or commercial purposes. And I think this is appropriate because basically we're mirroring that and saying like the newsletters, we want this Legislative Broadcast Program to make sure that there's a policy and review so that it's not being used inappropriately.

"But it really is about the House of Representative and their Legislative Broadcast Program through 'Olelo. It's not about all the other filming. I think that that's a misinterpretation of what this measure is trying to accomplish. Thank you, Mr. Speaker."

Representative Ward rose, stating:

"Will the Majority Leader yield to a question? The question is, is there a role for the Minority in the media policy of this House of Representatives? If so, why so? If not, why not?"

Representative B. Oshiro responded, stating:

"When you talk about the media policy, can you please refer to the House Rules or the House Financial Manual?"

Representative Ward: "The House Rules incorporated as the resolution, as well as that which is written in the Rules. Both."

Representative B. Oshiro: "Currently in the House Rules, there is no media policy. As far as the Financial Manual, I don't believe that there is a media policy.

"There is a policy that was issued on social networking. There is a policy that we have declared on certain things dealing with the media when it comes to the news media. But in terms of anything else, this is what we have before us."

Representative Ward: "The question is, is there a role for the Minority in this Body to speak to the public vis-à-vis this reso? Is there any role for the Minority in this reso? That's the question."

Representative B. Oshiro: "I believe you have it right now. Aren't you speaking? Thank you."

Representative Ward: "And that's as far as it goes."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I appreciate the ability to speak a second time. Just for some clarification. I do want to make a clarification because the Majority Floor Leader, I don't think heard what I was trying to say when I explained my concerns about this particular resolution.

"If she was listening to what I was saying, the ownership and the use of programming, I was specifically talking about the taxpayer dollars that are used when you record it, according to these cablecasts from 'Olelo internally, the reso that we're on, when you record that. You set your DVD player. You record that onto a DVD, but you're still recording the cablecast that is being addressed in this reso. So I think it's very much so in line with what we're talking about, because that recording is owned by the House of Representatives and therefore would go through you for approval if we needed to use that, or if we wanted to use that.

"Mr. Speaker, the other things that are not clear in this reso is that political or commercial use of this material is prohibited. We have to define political. What is political? Because if you have a disagreement, many people call that political. So if you have a disagreement and you're debating, what we're doing right here, people call it politics. People call it political all the time. So basically it's saying, you, somebody could interpret this, and they do. No. That's political. So that's why it's difficult to see. Are we really curbing access, public access, to what we do here at the Capitol.

"A lot of the times what you have are people who want to engage, but there's apathy out there because they don't know what we do, unless we come to their terms. And the alternative media sites, YouTube and all those things, allow us to do that. To go on their time to be able to catch up with what's going on here at the Capitol. To hear it from our voices, from our mouths.

"Mr. Speaker, I wanted to clarify another thing that the Majority Floor Leader said. She talked about the newsletter and how we have a great process. Well that, according to what my colleague here from Hawaii Kai was saying, that in the newsletter process, it doesn't say, 'Speaker shall determine and review the newsletter.' In that process it states that there is the Minority Leader, the Majority Leader, and the Speaker that takes a look at this material.

"So when we talk about this particular program, it really is not looking at this as saying how we don't have enough access out there or anything like that. What it truly is about is what kind of public access can we give, and that's why we're disagreeing with this resolution."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, your time has expired on your second time.. Thank you."

The Chair then stated:

"Let's proceed on, Members of the House. I think the Finance Committee Chair and Vice-Chair will have a lovely debate if this particular resolution is heard. And for those of the Minority Caucus who are on the Finance Committee, you'll get that opportunity once more to clarify the issue."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 205, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was referred to the Committee on Finance, with Representatives Ching, Finnegan, Marumoto, Pine and Ward voting no, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 958-10), recommending that H.R. No. 63, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 959-10), recommending that H.C.R. No. 115, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 63, HD 1, and H.C.R. No. 115, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Brower rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Brower's written remarks are as follows:

"The Department of Human Services, in collaboration with the Department of Transportation, Department of Transportation Services of the City and County of Honolulu, and any other agencies or entities necessary, is urged to develop a plan to resolve issues related to homeless individuals living in abandoned vehicles, including a means of determining jurisdiction of roads whose jurisdiction is unclear.

"Homeless individuals living in abandoned vehicles may present a health and safety hazard to surrounding residents and businesses, particularly when there is broken glass, vehicle parts, and food scraps littering the area. Residents and businesses have also expressed concerns regarding criminal activity occurring in and around these abandoned vehicles, some of which are homes for homeless individuals.

"At times, the "abandoned" vehicles being used for habitation are parked on roads where jurisdiction is unclear.

"Chapter 290, Hawaii Revised Statutes (HRS), identifies an abandoned vehicle, if not defined by county ordinance, as one "left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on any public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway".

"Chapter 291C-112, HRS, prohibits individuals from using vehicles for "purposes of human habitation, whether or not the vehicle is designed or equipped for that purpose, while the vehicle is parked on any roadway, street, or highway or other public property between the hours of 6:00 p.m. and 6:00 a.m."

"Chapter 291C-112, HRS, also prohibits such use of vehicles on private property at any time of the day without the authorization of the owner or occupant of the land.

"While these laws allow for the situation of homeless individuals living in abandoned vehicles to be dealt with in many cases, other cases are not as clear and the situation does not lend itself to an expeditious solution."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 63, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 115, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 960-10), recommending that H.R. No. 87, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 87, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 961-10), recommending that H.C.R. No. 148, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 962-10), recommending that H.R. No. 203, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 203, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 963-10), recommending that H.C.R. No. 281, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 964-10), recommending that H.C.R. No. 223, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 965-10), recommending that H.R. No. 7, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 7, entitled: "HOUSE RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 966-10), recommending that H.C.R. No. 13, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 967-10), recommending that H.R. No. 93, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 968-10), recommending that H.C.R. No. 155, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 93, and H.C.R. No. 155, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative M. Lee rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I am in support of HR93 and HCR155. Since its creation, the Joint Legislative Committee on Family Caregiving has strived to develop a comprehensive public policy program to support family caregivers who provide unpaid, informal assistance to persons sixty and older with physical or cognitive disabilities. This Committee has routinely made recommendations aimed at easing the burden of those who provide long term care.

"However, although these recommendations were well received, the current fiscal constraints have led to the deferment of these recommendations. The Committee seeks via this extension to ensure that its recommendations are allowed to go forward. This can only occur if this extension is afforded."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 969-10), recommending that H.R. No. 34, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 970-10), recommending that H.C.R. No. 76, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 971-10), recommending that H.R. No. 27, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 27, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 972-10), recommending that H.C.R. No. 68, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 973-10), recommending that H.R. No. 165, as amended in HD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 165, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS IN THE UNITED STATES," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 974-10), recommending that H.C.R. No. 235, as amended in HD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 235, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS IN THE UNITED STATES," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 975-10), recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 976-10), recommending that H.C.R. No. 15, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 15, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII CENTER ON AGING TO CONVENE A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 977-10), recommending that H.C.R. No. 110, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 978-10), recommending that H.C.R. No. 320, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 979-10), recommending that H.C.R. No. 292, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 292, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENTER INTO AN AGREEMENT TO TRANSFER THE MAUNA KEA STATE RECREATION AREA AND THE HAPUNA BEACH STATE RECREATION AREA TO THE COUNTY OF HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 980-10) recommending that H.R. No. 159, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 159, entitled: "HOUSE RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 981-10) recommending that H.C.R. No. 230, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was adopted, with Representatives

Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 982-10) recommending that H.R. No. 13, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 13, entitled: "HOUSE RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 983-10) recommending that H.C.R. No. 51, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 984-10) recommending that H.C.R. No. 265, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 265, be adopted, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. As a member of the Hawaii National Guard, I would like to request that I be excused on this vote for Stand. Com. Rep. No. 984-10, HCR 268."

The Chair responded, stating:

"You're asking if you have a conflict of interest or to be excused at this point, since this is representing the total class. Would you like to be excused?

"The Chair would recommend that there is no conflict, because this a class of individuals."

At 1:18 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I do understand your ruling and with the ruling I am rising to speak against Stand. Com. Rep. No. 984-10. Thank you, Mr. Speaker. This House Concurrent Resolution requests that the Auditor conduct a financial audit of the Hawaii Air National Guard.

"I have looked into this a little bit. In fact I had a chance to talk to General Lee and he assured both me and the Chair of Economic Revitalization, Business & Military Affairs that he would provide to us a copy of the audit report, the legal audit report as required by the federal government.

"In addition to that, because of the concerns raised regarding some issue of a promotion, or an issue of something that occurred in the Hawaii Air National Guard, he has given us assurances that he would be providing us with the information coming out of the Inspector General's report which he made a request for. I think the request for this report is not to our own Inspector General, but actually it's Inspector General of the United States Air Force all the way in Washington D.C.

"So I think from that standpoint we've been assured, I've been assured, and I hope this Body's been assured that our General, General Robert Lee and his staff, are not taking your concerns, as well as the authors of this resolution, lightly. And they would proceed in providing us with the information that is necessary.

"The final thing I'd like to mention is that the Auditor, our Auditor has a number of different requests before her and I do believe there are, from my perspective, many other higher priority audits that need to be done. So that is the reason why Mr. Speaker, I'm standing in opposition. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Not to support my fellow veteran, but because as a member of the Committee that heard the first-hand testimony on this issue. This is a personal grievance. We are going to get in the middle of it and we're going to retaliate with an audit. Mr. Speaker, that's unfair.

"There are more than 50,000 employees. If they have a grievance, they're going to come to the Floor because they have a connection with somebody, and then we're going to adjudicate it with an audit because there was a personal grievance.

"And I would attest that when General Ishikawa and General Lee say that this is a personal grievance, that's exactly what they mean. They're not spinning it. This is really a misplaced allocation of power if you will, of this Body on a personal situation which should be an embarrassment to the Armed Forces, as well as this Body, Mr. Speaker. This piece of legislation does not belong in this room. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I just wanted to clarify some points. I'm a little confused because as far as I see it, the status sheet on this measure shows that it only came before the Committee on Legislative Management. I was present at that hearing. I didn't see that prior speaker present.

"In addition to that, there were nine people that came forward and submitted testimony, all in favor. There was no opposition, and on that basis, that's why the Chair recommended passage.

"So I am a little perplexed by the characterizations that this is some sort of 'witch hunt' or some kind of personnel matter because that was nothing I ever heard when I was present during the entire testimony. Thank you."

Representative Takai rose to respond, stating:

"Point of information, Mr. Speaker. Thank you. You know I do understand the concern or the statements by the Majority Leader, but I do believe that if you take a look at the measure history, the measure status on this particular measure. It was re-referred. It was actually heard by a different Committee and was re-referred. Or if not this particular measure, there was another measure on the same topic, Mr. Speaker. Thank you."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I'd like to insert the words from the Majority Leader as if they were my own. And to also add that there was no testimony from anyone in opposition, or from General Lee or anyone from the National Guard. Mahalo."

Representative Ward rose to respond, stating:

"Mr. Speaker. Just a brief rebuttal. Mr. Speaker, all the Members are aware that we have a multi-Committee system. We have multiple referrals. I'm referring to the Committee dealing with military affairs where this was heard, and where those testimonies were given. This is not a fabrication. It

was actual words before the Committee, and the decision of those people in the military saying that, was that it is a personal grievance.

"It was not Legislative Management which I do not sit on, so when the Majority Leader says I'm not aware of where those remarks came from, it's because it was a previous Committee. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. The Hawaii Air Guard and the Department of Defense in the Hawaii, State level, is wholly funded by federal funds and so therefore answerable to the national Department of Defense and the federal government. So I have no fear or any problems with what an audit would possibly bring that forth. So I am in opposition, and I'd like the words of the speaker from Pearl City adopted as my own," and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Saiki rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HCR No. 265 because its genesis stems from a personnel decision made by the Hawaii Air National Guard that has offended someone. In this respect, a financial audit is not appropriate. Rather, it should request a review of personnel decisions made by the Guard. Thank you."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ito rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, I don't know why people are afraid of an audit. This is an audit of the Air National Guard. What's the problem? We have civilian control. Just because General Lee says he's going to do all this, I've got to see it.

"He told us, and he told me a lot of things when I was the Chairman of Military Affairs, and I still haven't seen it. One was a financial statement dealing with Homeland Security money. In fact, he told me that I have to get a security clearance. When I was in the Air Force, I had a real high security clearance.

"So again, gentlemen and ladies, this is an audit. Let's see what happens. If it's a clean audit, fine. If not, then we've got some problems. Thank you."

Representative Pine rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Concurrent Resolution 265. This resolution would request the State Auditor to conduct a financial audit of the Hawaii Air National Guard.

"I can only speculate that this resolution is about the command selection process under the guise of a financial audit. The language of this resolution states that "concerns regarding the reliability of the HIANG senior officer and command selection process have been raised." Federal and National Guard Bureau guidelines and procedures control the selection process of senior Air National Guard officers.

"If a member of the Hawaii Air National Guard has concerns with the command selection process, there are procedures in place for a member to address them. They could share their concerns with their chain of command or file a complaint with the State Department of Defense Inspector General. For these reasons, I am opposed to House Concurrent Resolution 265."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was adopted, with Representatives Ching, Finnegan, C. Lee, Marumoto, Pine, Saiki, Takai and Ward voting no, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 985-10) recommending that H.C.R. No. 203, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 203, be adopted, seconded by Representative Evans.

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. This is one of those resos that I believe everybody can buzz around, and hug and hold. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And may I have the stinging remarks of the Representative from Lihue entered in the record as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Tsuji rose to speak in support of the measure, stating:

"In strong support of the stinging remarks also. And I have further written comments. Thank you."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I speak in support of House Concurrent Resolution 203. This resolution recognizes the efforts of the Kauai Beekeepers Association and other key stakeholders for their efforts to assist the Hawaii Department of Agriculture with education and prevention of invasive species like the *Varroa* mite.

"The Kauai Beekeepers Association's work on *Varroa* and other key bee pests is critical for the protection and sustainability of Hawaii's unique honeybee industry and sensitive ecosystem. This is especially crucial now with the Hawaii Department of Agriculture's reduced coverage and presence on Kauai due to the mandated reduction in force. In this regard, Mr. Speaker, I am in support of the resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE EFFORTS OF THE KAUAI BEEKEEPERS ASSOCIATION AND OTHER KEY STAKEHOLDERS FOR THEIR EFFORTS TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH EDUCATION AND PREVENTION OF THE VARROA MITE AND OTHER INVASIVE SPECIES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Chang, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 986-10) recommending that H.R. No. 191, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 191, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Chang, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 987-10) recommending that H.C.R. No. 266, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 988-10) recommending that S.B. No. 2697, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2697, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 989-10) recommending that S.B. No. 2340, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2340, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 990-10) recommending that S.B. No. 2111, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2111, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

The Chair addressed Representative Aquino, stating:

"Representative Aquino, when will these three measures be taken up?"

Representative Aquino responded, stating:

"Thank you, Mr. Speaker, for that question. These three bills will be heard in 48 hours."

The Chair responded, stating:

"Correct. That would be Monday on Final Reading. We will vote on Monday, Members. So everyone is aware."

ANNOUNCEMENTS

Representative Awana: "Thank you, Mr. Speaker. Representative McKelvey and I will be hosting our honorees in Room 329, and everyone's invited. Thank you."

ADJOURNMENT

At 1:32 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 29, 2010. (Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen were excused.)

THIRTY-NINTH DAY

Monday, March 29, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Brian Reynolds of King's Cathedral, after which the Roll was called showing all Members present with the exception of Representatives Berg, Bertram, Herkes, M. Lee, Manahan and Pine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 218) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 218, dated March 18, 2010, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 354 through 356) were received and announced by the Clerk:

Sen. Com. No. 354, transmitting H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," which was adopted by the Senate on March 24, 2010.

Sen. Com. No. 355, transmitting H.B. No. 1992, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," which passed Third Reading in the Senate on March 24, 2010.

Sen. Com. No. 356, transmitting H.B. No. 2721, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," which passed Third Reading in the Senate on March 24, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Berg, Bertram, Herkes, M. Lee, Manahan, M. Oshiro and Pine were excused.)

H.B. No. 1992, HD 1, (SD 1)
H.B. No. 2721, HD 1, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 65 and 66) were received by the Clerk and were placed on file:

Dept. Com. No. 65, dated March 22, 2010, from Jeffrey T. Kuwada, County Clerk, County of Maui, transmitting Resolution No. 10-19, which was adopted by the Council of the County of Maui, State of Hawaii, on March 19, 2010.

Dept. Com. No. 66, dated March 23, 2010, from Scott T. Nago, Chief Election Officer, Office of Elections, transmitting the Notice of Award to Hart Intercivic, issued on March 16, 2010, in accordance with Sections 56 of Act 162, Session Laws of Hawaii 2009.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Takumi introduced members of the Hawaii Charter School Network and other representatives from the Hawaii Charter School community.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.	Re-referred to:
143	Committee on Judiciary

H.C.R. Nos.	Re-referred to:
86	Committee on Finance
213	Committee on Judiciary

S.B. Nos.	Re-referred to:
2578, SD1	Committee on Finance
2885, SD2, HD1	Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 272) was announced by the Clerk and the following action taken:

H.R. No. 272, entitled: "HOUSE RESOLUTION HONORING THE WAIALUA HIGH SCHOOL ROBOTICS TEAM #359," was offered by Representative Magaoay.

Representative Magaoay moved that H.R. No. 272 be adopted, seconded by Representative Rhoads.

Representative Magaoay honored the "Hawaiian Kids," Waialua High School Robotics Team #359, for bringing March Madness to the State of Hawaii and to the community of Waialua on the North Shore, and highlighted their recent achievements.

Representative Magaoay then recognized and introduced honorees seated on the Floor of the House:

Mr. Glenn Lee, teacher and robotics team lead coordinator; and

Team Members: Mr. Joshua Heintz, Mr. Tony Kelly, Ms. Kortney Pao, and Ms. Claire Munguia.

Representative Magaoay then introduced mentors and team members seated in the Gallery:

Mentors: Mr. Floyd Matsumoto, Mr. Melvin Matsunaga, Mr. Randy Wood, Ms. Lynette Hirota, Ms. Linda Souza, Joseph Gudoy, Mr. Cody Smith, Mr. Adam Butac, Ms. Brianna Acosta and Mr. Malcolm Menor.

Team Members: Ms. Leia Lendio, Ms. Ashley Ford-Ferguson, Ms. Rebecca Barone, Ms. Jessica Temblor, Mr. Christopher Nakagawa, Ms. Torey Nakamura, Mr. Ryan Pierce, Mr. Chadwick Ulep, Ms. Deja Lunasco, Mr. Jarrin Oishi, Mr. Chavis Santiago, Ms. Jandie Sabo, Mr. Jonathan Oishi, Mr. Armand Cahol, Ms. Kirra Burke, Ms. Ayano Jeffers-Fabro, Ms. Kayla Carroll, Ms. Lani Musselman, Ms. Lindsay Montgomery, Ms. Myra Acgaoili, Ms. Irina Delatorre and Mr. Keefe Weaver.

Representative Magaoay also thanked Ms. Randiann Porras-Tang, Principal of Waialua High and Intermediate, who was seated in the Gallery.

Representatives Ward and Finnegan also congratulated the students on winning the Regional competition this past weekend.

The motion was put to vote by the Chair and carried, and H.R. No. 272 was adopted, with Representatives Bertram, Herkes, M. Lee and Pine being excused.

The following resolution (H.R. No. 271) was announced by the Clerk and the following action taken:

H.R. No. 271, entitled: "HOUSE RESOLUTION COMMENDING THE UNITED FISHING AGENCY FOR ITS DEDICATED SERVICE TO HAWAII'S FISHING INDUSTRY," was offered by Representative Ito.

Representative Ito moved that H.R. No. 271 be adopted, seconded by Representative Har.

Representative Ito paid tribute to the late Mr. Matsujiro Otani, founder of the United Fishing Agency.

Representative Har recognized and introduced honorees of the United Fishing Agency who were seated on the Floor of the House:

Mr. Akira Otani, Chairman;

Mr. Danny Otani, President;

Mr. Floyd Otani, Vice President;

Mr. Dexter Okada, Vice President and Director; and

Mr. Brooks Takenaka, Treasurer and Assistant Manager.

Representative Har then recognized Mr. Frank Goto, Secretary and General Manager of the United Fishing Agency, who could not be here today.

Representative Har also introduced Ms. Mae Otani and the Otani Ohana who were seated in the Gallery.

Mr. Brooks Takenaka then led the House in a mock fish auction.

Representative M. Oshiro introduced supporters who were seated in the Gallery:

From the commercial fishing industry:
Mr. Scott Barrows, General Manager, Hawaii Longline Association; and
Mr. Jim Cook, Pacific Ocean Producers.

From Hawaii's seafood industry:
Mr. Bruce Johnson, President, Fresh Island Fish;
Mr. Guy Tamashiro, Tamashiro Market;
Mr. Bob Fram, Garden & Valley Island Seafood;
Mr. Gary Ishimoto, Diamond Head Seafood; and
Mr. Damon Johnson, Honolulu Fish Company.

From the National Oceanic and Atmospheric Administration's (NOAA) Pacific Island Fisheries Science Center:
Mr. Samuel Pooley, Director, Pacific Islands Fisheries Science Center;
Mr. Pierre Kleiber, Fishery Biologist;
Mr. Robert Humphreys, Supervisory Fishery Biologist;
Mr. Ryan Nichols, Fishery Biologist;
Ms. Karen Underkoffler, Research Associate;
Mr. David Hamm, Branch Chief;
Mr. Kurt Kawamoto, Fisheries Monitoring and Analysis Program Manager;
Mr. Russell Ito, Fisheries Biologist;
Mr. William Walsh, JIMAR Researcher;
Mr. Walter Machado, JIMAR Fisheries Aide; and
Mr. Michael Abundo, JIMAR Fisheries Aide.

From the Western Pacific Regional Fishery Management Council:
Ms. Kitty Simonds.

From the fishing clubs:
Members of Altapac, Mr. Roland Galacgac, President; and Ms. Sandi Arakaki, Secretary; and
Mr. Frank Farm, Alii Holokai Diving Club.

Representatives from various fishing agencies, non-profits and organizations:
Mr. Clay Tam, Division of Aquatic Resources – Papio/Ulua Tagging Project;
Mr. Neil Kanemoto, Mr. Billy Chang and Ms. Susan Fernandez, Pacific Island Fisheries Group members and volunteers;
Ms. Stefanie Sakamoto, Mike Sakamoto Memorial Scholarship;
Mr. Roy Morioka, International Game Fish Association and lifelong fishing club advocate;
Mr. Tony Costa, Hawaii Nearshore Fishermen;
Mr. Scotty Furushima, Keiki Kewalo Fishing Conservancy; and
Dr. John Kaneko, Hawaii Seafood Council.

From fishing television shows and magazines:
Mr. Dean Sensui, Hawaii Goes Fishing;
Mr. Ben Wong, Let's Go Fishing; and
Mr. Marc Inouye, Hawaii Skin Diver and Lawaia Magazine.

Representative Yamane expressed deep appreciation for the United Fishing Agency, and gave special recognition to Mr. Jim Cook, and acknowledged his daughter, Ms. Jamie Cook's hard work as a member of his legislative staff.

The motion was put to vote by the Chair and carried, and H.R. No. 271 was adopted, with Representatives Bertram, Herkes, M. Lee, Pine and Tokioka being excused.

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Tsuji introduced 2010 SBA Small Business Award Winners for the State of Hawaii:

Mr. Steven Baldridge, Small Business Person of the Year;
Mr. In Chul Kang, Entrepreneurial Success Award;
Mr. David Erdman, Small Business Exporter Award;
Mr. Kerry Honda, Family Owned Small Business Award;
Ms. Leslie Mullens, Financial Services Champion;
Mr. Derek Kurisu, Minority Small Business Champion;
Mr. Brent Norris, Home-Based Business Champion;
Ms. Cherylle Morrow, Women in Business Champion;
Mr. Rojelio Herrera Jr. and Mr. James C. Lewis, Veteran Small Business Champions; and

Mr. Art Taniguchi, Senior Vice President of Bank of Hawaii and escort of Small Business Award Winners.

Representative Ito introduced his cousin, Mr. Russell Ito, with the federal fisheries.

Representative Finnegan introduces Ms. Pono Gregory, a senior at Moanalua High School and varsity cheerleader.

Representative Ward introduced Ms. Jane Sawyer, SBA director.

At 12:44 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, at this time, we are on page 2, and if you look on your desk, all of you have been invited to a reception in Room 423 on behalf of our honorees to meet with the United Fishing Agency. So can we fast track all of these bills, concurrent resolutions and resolutions?"

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Bertram, Cabanilla, Herkes and M. Lee were excused.)

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 929-10) recommending that S.B. No. 2910, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 48 ayes, and with Representatives Bertram, Herkes and M. Lee being excused.

At 12:55 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2910, HD 1

STANDING COMMITTEE REPORTS

Representatives Hanohano and Carroll, for the Committee on Public Safety and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 991-10), recommending that H.R. No. 104, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 104, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS CONTRACTS THAT INCARCERATED MEN AND WOMEN BE FREE TO PRACTICE MORE THAN ONE RELIGION," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Hanohano and Carroll, for the Committee on Public Safety and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 992-10), recommending that H.C.R. No. 168, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 168, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REQUIRE IN ITS CONTRACTS THAT INCARCERATED MEN AND WOMEN BE FREE TO PRACTICE MORE THAN ONE RELIGION," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 993-10), recommending that H.R. No. 67, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 67, be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in strong support of Stand. Com. Rep. No. 993. Mr. Speaker, in strong support. It's really a no-brainer to not have the name of the sewage treatment plant at Fort Kamehameha called after King Kamehameha. This change from Kamehameha to something more culturally acceptable is certainly due.

"My only slight reservation is some of the language used in it and I'd like to acknowledge the Chair of Hawaiian Affairs for saying that it's a little bit awkward to use colonial term, 'divine right of kings' as to how the unity of the islands came about. So I would hope that the EBM Committee would tweak the language and perhaps get away from some of the colonial terminology. Thank you, Mr. Speaker."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 67, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES AND COMMANDER OF HICKAM AIR FORCE BASE TO CHANGE THE NAME OF THE FORT KAMEHAMEHA WASTEWATER TREATMENT PLANT," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 994-10), recommending that H.R. No. 55, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 55, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING H.R. 3680 AND S. 1732 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR HEALTH DATA REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 995-10), recommending that H.C.R. No. 104, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 104, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING H.R. 3680 AND S. 1732 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO PROVIDE FOR HEALTH DATA REGARDING NATIVE HAWAIIANS AND OTHER PACIFIC ISLANDERS," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Chang and Yamane, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 996-10), recommending that H.R. No. 98, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 98, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Chang and Yamane, for the Committee on Higher Education and the Committee on Health presented a report (Stand. Com. Rep. No. 997-10), recommending that H.C.R. No. 160, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 160, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 998-10), recommending that H.R. No. 214, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 999-10), recommending that H.C.R. No. 297, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 214, and H.C.R. No. 297, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Yamashita rose to speak in support of both measures, stating:

"In strong support of Stand. Com. Rep. Nos. 998 and 999, with written comments. Thank you."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Concurrent Resolution 297 and House Resolution 214, which urges Google Inc. to select Hawaii as a test site to conduct the Google Gigabit Broadband Initiative. Google's "Fiber for Communities" experiment proposes to bring 1-gigabit-per second internet speed to one or more U.S. locations on a trial basis.

"Mr. Speaker, I believe that Hawaii is in a good position to be considered as a Google test site. In 2007, the Legislature established a Broadband Task Force. This Task Force was comprised of members from the private sector, the Legislature, federal, State and county government entities and the technology community.

"The purpose of this Task Force was to:

1. Remove barriers to broadband access, including wider access to public rights-of-way;

2. Identify opportunities for increased broadband deployment and adoption, including very high speed broadband services; and

3. Enable the creation and deployment of new advanced communication technologies in Hawaii.

"The Task Force laid the groundwork for broadband technology statewide and has already addressed many concerns that other states and municipalities have not looked at. Also, as an island state, our geographic location with varied topography and demographics from a dense metropolis to a sparsely populated rural environment speaks for itself.

"Hawaii would be the ideal test site for Google's "Fiber for Communities" experiment. Google will have the full support from all levels of government, the private sector and all of the communities across the State. Thank you."

Representative Ward rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of HR 214 and HCR 297, urging Google to select Hawaii as a test site to conduct the Google Gigabit Broadband Initiative. Hawaii is one of the most remote places on Earth, and the Internet is one of the few ways we're able to quickly and inexpensively connect to the rest of the world. But as important as it is to us, in 2009, Hawaii's download speed was ranked 47th in the country, which itself is ranked 28th in the world.

"A gigabit connection would provide Hawaii with speeds that are 100 times faster than the connections currently available in the United States. Google says it can provide this service at prices comparable to current broadband rates. Faster Internet speeds would contribute to efforts to brand Hawaii as a place for doing business. We can't be taken seriously as an APEC host, for example, if our connections are as slow as our morning traffic. Gigabit broadband would also allow for better distance learning and could attract more high-tech companies. At the very least, Google can increase the quality of our Internet experience, allowing us to stream media to our computers without clogging the tubes. For these reasons, Mr. Speaker, I support HR 214 / HCR 297."

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. As they say, time is of the essence. So this is a very timely resolution. May I insert additional written comments into the Journal, and may I have the written remarks of the Representative from Kula entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only)

Representative McKelvey's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of these resolutions. When it comes to resolutions, I usually am reluctant to speak on such matters as more often than not they merely reflect a wish or desire of this Body. But as far as these resolutions go, – HR214 and HCR297 – they are different, as they have the potential to bring to our shores one of the biggest economic infrastructure projects to the State of Hawaii, and sends a strong signal that we in the State of Hawaii are ready, willing and able to assist Google in their endeavor to build a gigabit Internet system in Hawaii should we be chosen. These resolutions send a loud and powerful message that we in Hawaii are putting the effort and resources of the Legislature, as well as the State government behind whatever it takes to bring this exciting powerful project to Hawaii.

"Let's be clear, Mr. Speaker. This is more than just providing high speed state-of-the-art Internet access for our Hawaii residents. If this project were to be located in Hawaii, the results will go far beyond blazing Internet speeds for gaming, entertainment and research, and profoundly change the way services are delivered by government and the private sector to our people. With this gigabit Internet project, we could truly deliver a state-of-the-art Intelligent Traffic System to manage our traffic lights and disperse critical information electronically to cell phones and websites, as well as other media outlets. This project could also pave the way to implement state-of-the-art prisoner tracking and monitoring systems, which would allow for more paroles to be done safely and to free up our overcrowded jail space.

"Furthermore with this Gigabit Internet project, the way that our children are educated would also be profoundly improved and changed. Imagine if you will Mr. Speaker, classrooms that are able to view real-time instruction sessions around the world, as well as streaming video on various subjects by leading authorities in their fields. Think about a classroom at our University where the students are able to engage in real time projects with students at other universities from the United States and around the world simultaneously. This project would also help in the field of agriculture and allowing for smart water metering, as well as electronic bill of lading systems to allow for quicker inspections, more effective with less manpower. And in the field of health and medicine, this project would allow for the quick transfer of real time medical imaging and other information so that doctors can consult with each other and specialists outside of the State.

"In short Mr. Speaker, if these resolutions should lead to the selection of Hawaii as a test bed for the Google gigabit Internet project, then I feel it will be just as powerful and arguably more effective in transforming our economy and our lives for the better than any piece of legislation we have considered this Session. For these reasons and more Mr. Speaker, I stand in strong support of these resolutions. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 214, entitled: "HOUSE RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1000-10), recommending that H.C.R. No. 124, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INVESTIGATION OF TEETH WHITENING VENDORS," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1001-10), recommending that H.C.R. No. 165, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EFFICIENCY AND EFFECTIVENESS OF THE CHILD WELFARE SERVICES PROGRAM IN PROCESSING AND INVESTIGATING COMPLAINTS OF CHILD ABUSE AND NEGLECT AND MISUSE OF CHILD SUPPORT," was referred to the Committee on Legislative Management, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1002-10), recommending that H.R. No. 184, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1003-10), recommending that H.C.R. No. 256, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1004-10), recommending that H.R. No. 233, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 233, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATORY POLICY FOR GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PERSONS," was referred to the Committee on Judiciary, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1005-10), recommending that H.C.R. No. 318, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 318, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATION POLICY FOR GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PERSONS," was referred to the Committee on Judiciary, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1006-10), recommending that H.R. No. 96, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 96, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1007-10), recommending that H.C.R. No. 158, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG

MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1008-10), recommending that H.R. No. 234, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 1009-10), recommending that H.C.R. No. 319, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 234, and H.C.R. No. 319, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF ALL COMMUNITY-BASED PROGRAMS AND SERVICES RECEIVING MEDICAID FUNDING OR SUBSIDIZING INDIVIDUALS ELIGIBLE FOR MEDICAID," was referred to the Committee on Legislative Management, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF ALL COMMUNITY-BASED PROGRAMS AND SERVICES RECEIVING MEDICAID FUNDING OR SUBSIDIZING INDIVIDUALS ELIGIBLE FOR MEDICAID," was referred to the Committee on Legislative Management, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1010-10), recommending that H.R. No. 173, be referred to the Committee on Water, Land, & Ocean Resources; and

(Stand. Com. Rep. No. 1011-10), recommending that H.C.R. No. 245, be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 173, and H.C.R. No. 245, be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I rise with slight reservations. You know the Capitol grounds are important. They're not sacred, but the way that some of us remember when the Vietnam and Korean Memorial was put up, there was really a lot of pushback. I think what this calls for is a plan rather than a consensus. And without a consensus, I don't think this is going to get anywhere. I don't believe that the putting up of a *hale* or a Hawaiian hut is designated as to where it would be. The one with the *kalo*, the taro patch, I know there was a lot of enthusiasm to take away the smelly moat and put taro in there. It doesn't say that. But I think the real important thing is to make sure that when this comes through, that there is a consensus that's built, not just a design that is suggested. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 173, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS WITH THE ASSISTANCE OF THE BERNICE PAUAHI BISHOP MUSEUM TO DEVELOP A PLAN TO IMPLEMENT REPLICAS OF HAWAIIAN HALE ON THE STATE CAPITOL LAWN SURROUNDED BY TROPICAL FOLIAGE FOR REST AREAS," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS WITH THE ASSISTANCE OF THE BERNICE PAUAHI BISHOP MUSEUM TO DEVELOP A PLAN TO IMPLEMENT REPLICAS OF HAWAIIAN HALE ON THE STATE CAPITOL LAWN SURROUNDED BY TROPICAL FOLIAGE FOR REST AREAS," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Chang and Ito, for the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1012-10), recommending that H.R. No. 226, as amended in HD 1, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 1013-10), recommending that H.C.R. No. 311, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 226, HD 1, and H.C.R. No. 311, HD 1, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 226, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO SUBMIT TO THE LEGISLATURE A REPORT OF OBSERVATION VIEWING TIME ON THE TELESCOPES ON MAUNA KEA," was referred to the Committee on Legislative Management, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 311, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO SUBMIT TO THE LEGISLATURE A REPORT OF OBSERVATION VIEWING TIME ON THE TELESCOPES ON MAUNA KEA," was referred to the Committee on Legislative Management, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1014-10), recommending that H.R. No. 97, be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST SCHOOLS TO ESTABLISH WALK + BIKE SCHOOL BUS PROGRAMS STATEWIDE," was referred to the Committee on Transportation, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1015-10), recommending that H.C.R. No. 159, be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R.

No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST SCHOOLS TO ESTABLISH WALK + BIKE SCHOOL BUS PROGRAMS STATEWIDE," was referred to the Committee on Transportation, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1016-10), recommending that H.C.R. No. 296, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROPERLY FUND THE SMALL BUSINESS REGULATORY REVIEW BOARD UNDER THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SUPPORT HAWAII'S SMALL BUSINESSES," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1017-10), recommending that H.R. No. 125, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1018-10), recommending that H.C.R. No. 192, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 125, HD 1, and H.C.R. No. 192, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you. Mr. Speaker, I'm rising with very strong reservations against these resolutions. They are focused at changing the Department of Business, Economic Development, and Tourism into a facilitative agency that serves as a clearinghouse for other entities.

"Mr. Speaker, the Energy Division within the Department of Business and Economic Development has been the real driver on the clean energy program that we have in this State and the focus of this resolution and HCR would gut that intention. I think it's very unwise."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 125, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND ASSESS HOW THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM MAY BE RESTRUCTURED AND ITS MISSION REDIRECTED," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 192, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND ASSESS HOW THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM MAY BE RESTRUCTURED AND ITS MISSION REDIRECTED," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1019-10), recommending that H.R. No. 154, be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS OF THE UNITED STATES DEPARTMENT OF DEFENSE TO REVISE THE PRIORITIES FOR ACCESS TO HEALTH CARE AT MILITARY HEALTH FACILITIES TO GIVE MEMBERS OF THE NATIONAL GUARD WHO ARE INJURED IN ANY DUTY STATUS THE SAME PRIORITY AS ACTIVE DUTY MILITARY MEMBERS," was referred to the Committee on Health, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1020-10), recommending that H.C.R. No. 225, be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS OF THE UNITED STATES DEPARTMENT OF DEFENSE TO REVISE THE PRIORITIES FOR ACCESS TO HEALTH CARE AT MILITARY HEALTH FACILITIES TO GIVE MEMBERS OF THE NATIONAL GUARD WHO ARE INJURED IN ANY DUTY STATUS THE SAME PRIORITY AS ACTIVE DUTY MILITARY MEMBERS," was referred to the Committee on Health, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1021-10), recommending that H.R. No. 200, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1022-10), recommending that H.C.R. No. 278, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 200, and H.C.R. No. 278, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of these resolutions. The purpose of these resolutions are to urge the establishment of a temporary Hawaii Veterans Court within the Judiciary to help address prison overcrowding.

"Veterans Court is uniquely positioned to identify veterans who have combat related mental health and substance abuse conditions. The court is designed to connect these veterans to a broad array of treatment and support services while strictly monitoring their rehabilitation progress. Upon completion the graduate will develop into a law abiding citizen.

"Physical injuries are easy to identify and treat, but the injuries of war are not always physical or visible because exposure to combat can often cause damage to the emotional and mental state of returning service members.

"I have witnessed first-hand the devastation to our soldiers and their families when they turn to drugs or abuse various substances. In many instances, their substance abuse is compounded by combat stress related conditions like Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, etc. Lives that have honorably served our country during the war disintegrate and are shattered when they return home and are not helped. We owe our soldiers better.

"Hawaii's Judiciary has achieved significant success in problem solving and treatment courts that rehabilitate offenders, reduce incarceration costs, and ensure public safety. The Hawaii Veterans Court will be the only Veterans Court in the nation to expand and enhance services to target National Guard and Reserve soldiers. With the Iraq and Afghanistan wars, 30 percent of the troops are National Guard and Reserve soldiers. Once these soldiers return, their experience with reintegration into civilian life is vastly different than active duty soldiers and warrants tailored solutions.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 200, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was referred to the Committee on Judiciary, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was referred to the Committee on Judiciary, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1023-10), recommending that H.C.R. No. 129, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 129, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 1024-10), recommending that H.R. No. 109, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1025-10), recommending that H.C.R. No. 174, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 109, and H.C.R. No. 174, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, written comments in support. I'd also like to read from the *Star-Bulletin*, this morning their editorial entitled, "Hawaii a natural place for Obama library site," and I just wanted to read the last paragraph because I think it's appropriate.

"An invitation in the form of a resolution by the Legislature - even Republicans are aboard on this one - is a logical expression of Hawaii's interest in a Presidential Library in whatever form desired by the first president native to Hawaii."

"In addition, Mr. Speaker, I'd like to request that this editorial from the *Star-Bulletin* today be inserted into the Journal. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of these resolutions. The purpose of these resolutions are to help provide access for the people of Hawaii to documents, records, and artifacts of the first United States President from Hawaii by urging President Barack Obama to select a location in Hawaii as the site for his presidential library.

"President Obama's election in 2008 sent a powerful message to the World: A' hapa' kid who was born and raised in Hawaii can become the leader of the Free World.

"This Hawaii-based library will provide the people of Hawaii and the people throughout the World with access to documents and artifacts of the Obama Administration. Hawaii would be the most appropriate site for President Obama's library because he was born here and because Hawaii shares a unique perspective through the lens of the world. We are the "Melting Pot of the World," where the East meets the West.

"There are numerous possibilities for the site of the presidential library, including Punahou Schools, where he completed high school. You also may want to consider building the library at or near the campus of the University of Hawaii at West Oahu, which is in Kapolei.

"We in Hawaii would deeply appreciate the opportunity to advance the study and understanding of President Barack Obama's life and career. For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

Representative Takai also submitted the following editorial:

"Honolulu Star Bulletin
EDITORIAL

Hawaii a natural place for Obama library site
March 29, 2010

Hawaii legislators are poised to urge President Barack Obama to choose the state where he was born and raised as the site of his presidential library. While Hawaii may be an underdog to Chicago for the selection, lawmakers should be satisfied if Obama rejects the traditional library in a way that could embrace both applicants.

The University of Chicago, where Obama taught constitutional law for 12 years, has approached the White House several times since his inauguration about planting his presidential archive and museum in its Hyde Park neighborhood, Bloomberg News reported last October.

Chicago's candidacy could be formidable. In addition to Obama's professorial days at the university, first lady Michelle Obama was a vice president of its medical center, political adviser David Axelrod attended the university and senior adviser Valerie Jarrett was on the school's board of trustees.

But it would be presumptuous to guess what Obama will desire as a presidential library or the equivalent; don't be surprised if he will want something unique.

When asked about such a library, "He didn't know if that would be something he would want to do," close friend Eric Whitaker told Bloomberg.

Whitaker said Obama talked instead about the possibility of a "virtual" library that would avoid paying "homage" to him.

Whitaker said Obama seemed more interested in the kind of advocacy center that Jimmy Carter erected in Atlanta. At one end of the two-story structure is the library and museum, which are open to the public, and at the other end is the Carter Center, a nonprofit foundation that operates two dozen programs on health, human rights and conflict-resolution issues around the world. Among the designers was the Honolulu architectural firm of Lawton, Umemura & Yamamoto.

Presidential libraries have been consuming projects of presidents over the past 70 years in their retirement. That may seem unbecoming of an ex-president who will be in his early or mid-50s when departing the White House, depending on whether he serves a second term.

Chicago would be a fine central location for an Obama "center" focused on domestic issues, while Honolulu would be a logical launching pad for foreign programs, perhaps in concert with the East-West Center at the University of Hawaii's Manoa campus. (Ahem. Unlike the University of Chicago, Mr. President, UH is a public institution.)

Hawaii "could be a home away from home for the first family and their work after the presidency," said Robert Perkinson, a UH American Studies professor who is preparing a presidential library proposal.

At this point, Obama's presidency is young, but already historic: He is the first African-American elected this nation's leader; health care reform has passed; he has received the Nobel Peace Prize. As it is concerning his unfolding legacy, it is still early to reach a conclusion about what an Obama library would be, or what else it might be.

In the meantime, an invitation in the form of a resolution by the Legislature – even Republicans are aboard this one – is a logical expression of Hawaii's interest in a presidential library in whatever form desired by the first president native to Hawaii."

The Honolulu Star-Bulletin

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, strong support with the words of the previous speaker entered into the Journal as my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 109, entitled: "HOUSE RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused; and

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1026-10), recommending that H.R. No. 102, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 102, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION AND OTHER RELATED PARTIES, TO CONTINUE TO PURSUE BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1027-10), recommending that H.C.R. No. 166, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION AND OTHER RELATED PARTIES, TO CONTINUE TO PURSUE BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was referred to the Committee on Finance, with Representatives Bertram, Herkes, M. Lee and Mizuno being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1028-10) recommending that H.R. No. 113, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1029-10) recommending that H.C.R. No. 178, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Chang, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1030-10) recommending that H.R. No. 80, be adopted; and

(Stand. Com. Rep. No. 1031-10) recommending that H.C.R. No. 140, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 80, and H.C.R. No. 140, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"In support, Mr. Speaker. Thank you. These two resolutions acknowledge and proclaim 2010 as the Year of Ethnic Studies in Hawaii. As a district that has a number of the consulates in our district, our multi-ethnic heritage in the Liliha-Nuuanu corridor but also as a graduate in ethnic studies at the University of Hawaii, I think that this is really special. It was the first program, I think, in the United States. The Chairman, Mr. Franklin Odo, was an incredible professor and a real asset to Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 80, entitled: "HOUSE RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was adopted, with Representatives Bertram, Herkes and M. Lee being excused; and

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1032-10) recommending that H.R. No. 22, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1033-10) recommending that H.C.R. No. 62, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1034-10) recommending that H.R. No. 24, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 24, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1035-10) recommending that H.C.R. No. 64, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented two reports:

(Stand. Com. Rep. No. 1036-10) recommending that H.R. No. 85, be adopted; and

(Stand. Com. Rep. No. 1037-10) recommending that H.C.R. No. 146, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 85, and H.C.R. No. 146, be adopted, seconded by Representative Evans.

Representative Pine rose to speak in support of both measures with reservations, stating:

"In support with reservations, and I just have one comment. These resolutions urge the City and County of Honolulu to lease the Ewa Villages Mansion and Cemetery to the Ewa Historical Society to protect, preserve, and restore these historical places. I just feel a little uncomfortable that we are urging the City to be involved in a financial transaction with a private entity. I wish the private entity wasn't named so that we wouldn't be passing a measure that personally benefits a private entity. Thank you."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I would like a ruling on a potential conflict, Mr. Speaker. I'm the Director of the Board for the Ewa Historical Society," and the Chair ruled, "no conflict."

Representative Cabanilla continued in support, stating:

"I also want to make a short statement in support, in strong support. Ewa Villages was the first planned community in the history of Hawaii. It's an agricultural community unlike any other community in the United States.

"All the historic entities that have been there are kind of forgotten now, Mr. Speaker. Nobody is taking care of them and they're just languishing in disrepair and are termite eaten.

"Also, to the point about the resolution naming the Historical Society, there was a comma after that. It says, 'or any other interested historical society.' So it's not specific to the Ewa Historical Society. The initiative is coming from them, but the City and County is also being requested to give it to any other entity that would be interested and qualified to take on this responsibility, Mr. Speaker. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, just in strong support. We need to preserve our history, especially the one out in Ewa. Anytime we preserve our history, we're helping our children to be educated. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 85, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO LEASE THE EWA VILLAGES MANSION AND CEMETERY TO THE EWA HISTORICAL SOCIETY TO PROTECT, PRESERVE, AND RESTORE THESE HISTORICAL PLACES," was adopted, with Representatives Bertram, Herkes and M. Lee being excused; and

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO LEASE THE EWA VILLAGES MANSION AND CEMETERY TO THE EWA HISTORICAL SOCIETY TO PROTECT, PRESERVE, AND RESTORE THESE HISTORICAL PLACES," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1038-10) recommending that H.R. No. 170, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 170, entitled: "HOUSE RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1039-10) recommending that H.C.R. No. 242, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was adopted, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1040-10) recommending that S.B. No. 2045, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2045, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bertram, Herkes and M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1041-10) recommending that S.B. No. 2441, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1041-10 on S.B. No. 2441, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2441, SD 2, HD 2, were made available to the Members of the House.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1042-10) recommending that S.B. No. 2449, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1042-10 on S.B. No. 2449, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2449, HD 1, were made available to the Members of the House.

THIRD READING

S.B. No. 2697, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2697, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes, with Representatives Bertram, Herkes and M. Lee being excused.

S.B. No. 2340, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2340, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," passed Third Reading by a vote of 48 ayes, with Representatives Bertram, Herkes and M. Lee being excused.

S.B. No. 2111, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2111, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading by a vote of 41 ayes to 7 noes, with Representatives Berg, Ching, Coffman, Hanohano, Luke, Morita and Saiki voting no, and with Representatives Bertram, Herkes and M. Lee being excused.

At 1:11 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2697, SD 1, HD 1
S.B. No. 2340, SD 1, HD 1
S.B. No. 2111, SD 2, HD 1

ANNOUNCEMENTS

Representative Manahan: "Mr. Speaker, I would just like to request that the members of the Tourism, Culture, and International Affairs Committee reconvene in Room 312 for decision making on the resolutions we heard this morning, House Concurrent Resolution 277 and House Resolution 199, as well as House Concurrent Resolution 284. For decision making."

Representative Har: "Thank you, Mr. Speaker, although you already mentioned it, one brief reminder Members, please join us in Room 423 for the United Fishing Agency reception. Lots of good fish. You need to bring your ticket in order to enter. Thank you."

Representative Luke: "Thank you, Mr. Speaker. It is my pleasure to announce a birthday for one of our colleagues, Mark Nakashima. It was last Saturday. Happy Birthday."

ADJOURNMENT

At 1:13 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, March 30, 2010. (Representatives Bertram, Herkes and M. Lee were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 1992, HD 1, SD 1
H.B. No. 2721, HD 1, SD 1

FORTIETH DAY

Tuesday, March 30, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Larry Snyder of Catholic Charities, after which the Roll was called showing all Members present with the exception of Representatives M. Oshiro, Takai, Thielen and Wakai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Ninth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 357 through 361) were received and announced by the Clerk:

Sen. Com. No. 357, transmitting S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," which was adopted by the Senate on March 29, 2010.

Sen. Com. No. 358, transmitting H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," which passed Third Reading in the Senate on March 29, 2010.

Sen. Com. No. 359, transmitting H.B. No. 1927, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," which passed Third Reading in the Senate on March 29, 2010.

Sen. Com. No. 360, transmitting H.B. No. 2289, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," which passed Third Reading in the Senate on March 29, 2010.

Sen. Com. No. 361, transmitting H.B. No. 2351, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on March 29, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives M. Oshiro, Takai, Thielen and Wakai were excused.)

H.B. No. 1927, HD 2, (SD 1)
H.B. No. 2289, HD 2, (SD 1)
H.B. No. 2351, (SD 1)

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

S.C.R. No.	Referred to:
126	Committee on Tourism, Culture, & International Affairs

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. Nos.	Re-referred to:
97	Committee on Education, then to the Committee on Finance
140	Committee on Economic Revitalization, Business, & Military Affairs
142	Committee on Finance

H.C.R. Nos.	Re-referred to:
159	Committee on Education, then to the Committee on Finance
182	Committee on Finance
209	Committee on Economic Revitalization, Business, & Military Affairs
212	Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 273) was announced by the Clerk and the following action taken:

H.R. No. 273, entitled: "HOUSE RESOLUTION COMMENDING THE HAWAII PERMANENTE MEDICAL GROUP FOR FIFTY YEARS OF OUTSTANDING MEDICAL SERVICE TO THE PEOPLE OF HAWAII," was jointly offered by Representatives Yamane, Chong, Magaoay, Nishimoto and Yamashita.

Representative Yamane moved that H.R. No. 273 be adopted, seconded by Representative Nishimoto.

Representative Yamane recognized the many men and women physicians in celebration of National Doctor's Day.

Representative Yamane congratulated the Hawaii Permanente Medical Group on their 50th anniversary of providing medical services to the people of Hawaii and commended them for their dedication and commitment to improving lives.

Representative Yamane then introduced the honorees representing the Hawaii Permanente Medical Group who were seated on the Floor of the House:

Dr. Geoffrey Sewell, President and Executive Director of the Hawaii Permanente Medical Group; and

Ms. Janet Liang, President of Kaiser Permanente Hawaii Region.

Representative Yamane also introduced other members of the Hawaii Permanente Medical Group who were seated in the Gallery:

Ms. Richele Thornburg, Director of Physician Leadership and Professional Development;

Mr. Kevin Imanaka, Director of Communications;

Mr. Frank Richardson, Vice President of Government Relations and Regional Counsel;

Mr. John Kirimitsu, Legal and Government Relations Consultant; and

Ms. Phyllis Dendle, Director of Government Relations.

Representative Ching also commended the many physicians on National Doctor's Day, and thanked them for serving the community.

The motion was put to vote by the Chair and carried, and H.R. No. 273 was adopted, with Representatives M. Oshiro, Takai and Thielen being excused.

The following resolution (H.R. No. 274) was announced by the Clerk and the following action taken:

H.R. No. 274, entitled: "HOUSE RESOLUTION CONGRATULATING THE HAWAIIAN TRAIL & MOUNTAIN CLUB ON THEIR 100TH ANNIVERSARY," was jointly offered by Representatives Magaoay and M. Oshiro.

Representative Magaoay moved that H.R. No. 274 be adopted, seconded by Representative Rhoads.

Representative Magaoay congratulated the Hawaiian Trail and Mountain Club and commended them for 100 years of stewardship of Hawaii's forests and trails; promotion of hiking, camping and outdoor activities; and their dedication to preserve and protect Hawaii's natural areas.

Representative Magaoay then introduced the honorees representing the Hawaiian Trail and Mountain Club who were seated on the Floor of the House:

Mr. Tom Mendes, President;
Ms. Mabel Kedina, Member;
Mr. Bill Gorst, Vice President;
Mr. John Hall, Member; and
Mr. Stuart Ball, Past President.

The motion was put to vote by the Chair and carried, and H.R. No. 274 was adopted, with Representatives Takai, Thielen and Saiki being excused.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Speaker Say noted the passing of former State Auditor Newton Sue, and introduced his daughter, Ms. Valerie Sue and her companion, Mr. Brent Chapman from Los Angeles, California. They were accompanied by Ms. Marion Higa, State Auditor; former Deputy Auditor, Ms. Diana Chang; and former Assistant Auditor, Mr. Wilbert Sakamoto.

At 12:23 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m., with Vice Speaker Magaoay presiding.

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Newton Sue, retired State Auditor for the State of Hawaii.

STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"Members, at this time we will be taking Stand. Com. Rep. Nos. 1062-10 and 1063-10 out of order."

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1062-10), recommending that H.R. No. 199, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1062-10, that H.R. No. 199, HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.R. No. 199, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representatives Takai and Thielen being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1063-10), recommending that H.C.R. No. 277, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1063-10, that H.C.R. No. 277, HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.C.R. No. 277, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RECOGNITION OF COCKFIGHTING AS A CULTURAL ACTIVITY," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representatives Takai and Thielen being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented two reports:

(Stand. Com. Rep. No. 1043-10), recommending that H.R. No. 192, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1044-10), recommending that H.C.R. No. 267, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 192, and H.C.R. No. 267, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in strong support. These measures may not be written the best way, or in the most important way of saying it, but it's the most important issue that we get our kids back in school and this directs it. All parties. Thank you."

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. Just in strong support with written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support to H.R. 192 and H.C.R 267, which strongly urges the Governor, the Board of Education, and the Hawaii State Teacher's Association to reopen negotiations to reduce Furlough Fridays.

"As a former teacher, it pains me to see publications such as the *New York Times* talking about how Hawaii has the fewest school days and that our education system is in dire straits. The children of Hawaii are our greatest resource, and we owe it to them to provide a scholastic environment that is conducive to success, not failure. Children need consistency and routine when it comes to education and the current system of Furlough Fridays provides neither. Furloughs do not only harm our children, but they also put an unneeded burden upon the parents.

"In these economic times families are having enough trouble putting food on the table and clothes on their children backs. These furlough days require parents to take days off from work, seek daycare, and add unnecessary worry about their children's educational future. Being a former teacher allows me a certain insight into this problem. I know from years of teaching experience that we must get our children back into school. Thank you."

Representative Finnegan rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in strong support of HR 192 and HCR 267, strongly urging the Governor, the Board of Education, the Department of Education, and the Hawaii State Teachers Association to reopen negotiations to reduce Furlough Fridays.

"The mere fact that we are still discussing the issue of depriving our children of instructional time in school is a travesty. The Board and Department of Education, as the employer group, need to ensure a reasonable contract with the Hawaii State Teachers Association. HSTA must ensure that in trying to negotiate the best contract for their members, it does not ultimately jeopardize our children's future.

"There are many systemic issues plaguing our public education system that cannot continue to be ignored. I believe that these issues, including Furlough Fridays must be addressed. Furlough Fridays are the most visible and immediate problem, but it is not the only issue robbing our children of a quality education. It is time to resolve Furlough Fridays once and for all in a manner that not only gets our children back into school, but ultimately allows the State of Hawaii to live within its means. Once this issue is resolved, we must fundamentally address the deficiencies that have existed for decades in the Department of Education.

"Mr. Speaker, there is no more time or room left for 'baby steps.' We need education reform now or else we will find ourselves in this same situation in the future."

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you, very much. In strong support Mr. Speaker. Thank you."

Representative Pine rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support for House Resolution 192 and House Concurrent Resolution 267. These resolutions would urge the Governor, the Board of Education, the Department of Education, and the Hawaii State Teachers Association to reopen negotiations to reduce Furlough Fridays.

"These resolutions are a step in the right direction. It would encourage the aforementioned parties that we too want to reduce Furlough Fridays and get Hawaii's children back to school.

"It is my hope that once negotiations are re-opened, that Furlough Fridays are not only reduced, but completely eliminated."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 192, entitled: "HOUSE RESOLUTION STRONGLY URGING THE GOVERNOR, THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND THE HAWAII STATE TEACHERS ASSOCIATION TO REOPEN NEGOTIATIONS TO REDUCE FURLOUGH FRIDAYS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused; and

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE GOVERNOR, THE BOARD OF EDUCATION, THE DEPARTMENT OF EDUCATION, AND THE HAWAII STATE TEACHERS ASSOCIATION TO REOPEN NEGOTIATIONS TO REDUCE FURLOUGH FRIDAYS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1045-10), recommending that H.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 167, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1046-10), recommending that H.C.R. No. 238, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 238, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1047-10), recommending that H.R. No. 73, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1048-10), recommending that H.C.R. No. 132, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 73, and H.C.R. No. 132, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Pine rose to speak in support of both measures with reservations, stating:

"Reservations, and if I could be permitted a couple of comments. These resolutions urge Congress to pass the 'Cash for Clunkers' legislation in the Second Session of the 111th Congress, and I think it's still debatable whether this was a successful program or not. For some people it was very successful, financially, for their businesses. However, as we look to protect the finances of our constituents who are already now overburdened with a new healthcare bill and other tax increases that are coming their way, I think if we're going to fund or bailout some people, I think we should focus on bailing out the American people first. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 73, entitled: "HOUSE RESOLUTION URGING CONGRESS TO PASS "CASH FOR CLUNKERS" LEGISLATION IN THE SECOND SESSION OF THE 111TH CONGRESS," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Takai and Thielen being excused; and

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS "CASH FOR CLUNKERS" LEGISLATION IN THE SECOND SESSION OF THE 111TH CONGRESS," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Takai and Thielen being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1049-10), recommending that H.R. No. 153, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 153, entitled: "HOUSE RESOLUTION REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1050-10), recommending that H.C.R. No. 224, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1051-10), recommending that H.R. No. 215, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 215, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO COORDINATE INITIATIVES WITHIN THE COMMUNITY WHICH ADDRESS ENERGY INNOVATION WITH THE ORGANIZERS OF ENERGY AWARDS AND PROGRAMS, AND ASSIST IN THEIR OUTREACH TO THE HAWAII COMMUNITY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1052-10), recommending that H.C.R. No. 298, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO COORDINATE INITIATIVES WITHIN THE COMMUNITY WHICH ADDRESS ENERGY INNOVATION WITH THE ORGANIZERS OF ENERGY AWARDS AND PROGRAMS, AND ASSIST IN THEIR OUTREACH TO THE HAWAII COMMUNITY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1053-10), recommending that H.R. No. 103, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1054-10), recommending that H.C.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 103, HD 1, and H.C.R. No. 167, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker I have reservations on the two measures and just short comments. Thank you, Mr. Speaker. These measures request the Board of Education to adopt a policy for the integration of a pedagogy of aloha in public schools.

"Mr. Speaker, I'm not necessarily against this. What I am against is that the Board of Education needs to do a lot of work and they don't have the time to do it. They're constantly telling us what they're going through, whether it's balancing their budget or anything like that, and they just don't have time. So I don't think that we should be putting something like this on their plate right now during this season. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 103, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused; and

H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1055-10), recommending that H.C.R. No. 38, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 38, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CREATE POLICIES ALLOWING CHARTER SCHOOLS TO USE VACANT CLASSROOMS AND SCHOOLS THAT WILL BE CLOSED," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives Takumi and Tsuji, for the Committee on Education and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1056-10), recommending that H.C.R. No. 290, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 290, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to a request for a ruling on a potential conflict. I'm on the Board of Directors of the Pacific Gateway Center that

has a commercial incubator kitchen that would be in direct competition with using schools as kitchens," and the Chair ruled, "no conflict."

Representative Rhoads than asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"I'd like to seek a ruling on a potential conflict for Stand. Com. Rep. No. 1056. At my law firm, I represent the Hawaii Farm Bureau. Thank you," and the Chair ruled, "no conflict."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted, and H.C.R. No. 290, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII FARM BUREAU TO CONVENE A WORKING GROUP TO EXPLORE LEASING OR RENTING PUBLIC SCHOOL CAFETERIAS TO VALUE-ADDED FOOD PROCESSORS TO PROMOTE THE USE OF LOCALLY-GROWN FRESH PRODUCE IN SCHOOL MEALS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives Tsuji and Souki, for the Committee on Agriculture and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1057-10), recommending that H.R. No. 221, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 221, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives Tsuji and Souki, for the Committee on Agriculture and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1058-10), recommending that H.C.R. No. 305, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1059-10), recommending that H.R. No. 161, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 161, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO MAKE TOP PRIORITY PROJECTS THE INSTALLATION OF A LEFT-TURN-ONLY LANE ON KALANIANAOLE HIGHWAY KOKO HEAD-BOUND INTO THE KOKO MARINA SHOPPING CENTER AND THE INSTALLATION OF A SECOND RIGHT-TURN LANE FROM LUNALILO HOME ROAD EWA-BOUND ONTO KALANIANAOLE HIGHWAY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1060-10), recommending that H.C.R. No. 232, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO MAKE TOP PRIORITY PROJECTS THE INSTALLATION OF A LEFT-TURN-ONLY LANE ON KALANIANAOLE HIGHWAY KOKO HEAD-BOUND INTO THE KOKO MARINA SHOPPING CENTER AND THE INSTALLATION OF A SECOND RIGHT-TURN LANE FROM LUNALILO HOME ROAD EWA-BOUND ONTO KALANIANAOLE HIGHWAY," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1061-10), recommending that H.C.R. No. 284, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 284, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Regarding HCR No. 284, I am in opposition to this mainly because I thought we were putting the cart before the horse. We were planning to redevelop the Aloha Stadium before we have a new stadium. I believe we need to plan for a new stadium because it takes so much lead time. It could be at least ten years before we have a stadium, and I think we certainly need one for our University and all other entities that make use of it.

"Also, the Stadium Authority testified in opposition to this measure. There was testimony in favor, but I don't think there was anybody there to whom we addressed questions, and I had several questions in my mind.

"But this resolution basically asks us to redevelop Aloha Stadium and demolish it immediately. To plan for the demolition of the stadium and salvaging of any scrap and debris. I was quite taken aback that this might move ahead. It asks for the engagement of planning and engineering for a low and moderate income housing development along with appropriate mixed uses, and the inclusion of a mass transit station at the Aloha Stadium site.

"I would assume that this will entail some funds to DAGS who would do this planning report. It would also call for, as I said before, the demolition of the stadium and the salvaging of scrap and debris.

"It does ask for a development of a new stadium to be developed publicly in joint venture with a private developer or on a turnkey or lease back basis. It would also ask to study whether this new stadium should be under the Stadium Authority or transferred to the University of Hawaii or another new State agency.

"So there were so many big moves in this particular resolution and very little discussion on it. There were very little proponents there to speak for it, so I do hope that there could be some debate on this. Perhaps someone could educate me on this.

"I ask the Finance Committee to look at it very carefully to see whether this is the direction we want to go. I really hope that we have plans for a new stadium before we knock down the old one. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT

OF ACCOUNTING AND GENERAL SERVICES TO UNDERTAKE PLANNING ACTIVITIES WITH RESPECT TO A NEW STADIUM ON OAHU AND RELATED MATTERS," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Takai and Thielen being excused.

Representatives Tsuji and Ito, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1064-10), recommending that H.R. No. 119, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1065-10), recommending that H.C.R. No. 184, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 119, HD 1, and H.C.R. No. 184, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a possible conflict. I represent the owner of a private agricultural water system," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 119, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused; and

H.C.R. No. 184, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1066-10), recommending that H.C.R. No. 243, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO MAKE THE HALEAKALA TRAIL AVAILABLE TO THE PEOPLE OF HAWAII," was referred to the Committee on Judiciary, with Representatives Takai and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1067-10), recommending that H.C.R. No. 181, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 181, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO DEVELOP A PLAN TO REDIRECT STORM WATER RUNOFF FROM STATE LANDS ADJACENT TO THE HANAPEPE SALT PONDS AWAY FROM THE SALT PANS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1068-10), recommending that H.C.R. No. 306, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 306, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON THE MOST EFFECTIVE, EFFICIENT, AND HUMANE METHODS FOR THE CONTROL AND REDUCTION OF THE FERAL PIG POPULATION STATEWIDE," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representatives Ito and Chang, for the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1069-10), recommending that H.R. No. 231, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1070-10), recommending that H.C.R. No. 316, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 231, HD 1, and H.C.R. No. 316, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Saiki rose to speak in opposition to both measures, stating:

"Mr. Speaker. I'd like to request no votes on both measures for two reasons. First a House Resolution, as opposed to a Concurrent Resolution is not required and does not have any legal effect.

"And second the House Concurrent Resolution does not conform to Hawaii Revised Statutes Section 171-64.7. Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Hanohano rose to speak in opposition to both measures, stating:

"Mahalo Ho'omalu 'ōlelo, ke kū nei au i koho 'a'ole loa. 'O kēia manawa 'a'ohe ka manawa e ku'ai kēia 'āina. He 'āina waiwai kēia. E holomua kākou e mālama kēia 'āina. Ina e mālama ka 'āina, 'o ka 'āina e mālama ka po'e 'o Hawai'i nei. E alu like kakou e hana i nā mea pono. Mahalo."

Representative Hanohano provided the following translation:

Thank you, Mr. Speaker. I rise in strong opposition. This is not the time to sell this land. This is good land. We need to move forward to take care of this land. If we take care of the land, the land will take care of the people of Hawaii. We all need to work with righteousness. Thank you.

Representative Cabanilla rose to speak in opposition to both measures, stating:

"Mr. Speaker, in opposition and I would like the words of my colleague from Puna to be entered into the record as my own. And I also want to add that the sale of these 300 acres of land will further complicate the traffic congestion in Ewa because we don't know what is planned on those 300 acres. Thank you, Mr. Speaker."

Representative Brower rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, just please note my reservations, and I'd like to have the words of the Representative from Puna entered as if they were my own, leaving out the portion about Kapolei being the fastest growing district. Thank you."

Representative Souki rose to speak in support of both measures with reservations, stating:

"Yes Mr. Speaker, with strong reservations."

Representative Wakai rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Luke rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Takumi rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I have strong reservations."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Choy rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Belatti rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations and a simple comment that these are the first resolutions that are going to be testing the new law that we enacted last year, so I think we need to get it right on the first time around. Thank you, Mr. Speaker."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Morita rose to speak in support of both measures with reservations, stating:

"With reservations and just a short comment that there's a specific format outlined in the statute. So the information has to be in this resolution. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 231, HD 1, entitled: "HOUSE RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, Cabanilla, Hanohano and Saiki voting no, and with Representatives Takai and Thielen being excused; and

H.C.R. No. 316, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, Cabanilla, Hanohano and Saiki voting no, and with Representatives Takai and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1071-10), recommending that H.C.R. No. 50, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 50, HD 1, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with strong reservations and I have a few comments here at the moment. Thank you, Mr. Speaker.

"I'm not sure that we actually have to legislate for ourselves to have a one-day summit. And while I appreciate the sentiments of healing and creating positive change that is needed for the State Historic Preservation Division, I think we're all aware that the National Park Service issued a scathing letter to Director Thielen and also a report indicating that not only does SHPD have severe deficiencies, but it is a high risk grantee. We stand to lose $1.4 million if the federal money is withdrawn from SHPD.

"So while a summit might reveal the issues that we may be aware of, I believe that they're the symptoms of a deeper issue, the least of which is the qualifications of this supervisor. Thank you."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am with reservations on this measure as well. It started off as an audit which I think is desperately needed given the revelation of federal National Park Service. Again, a one day summit, as the Representative from Aina Hana said, this may be something that we can already do, but it's a management audit that we need for this division. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just request a ruling on a potential conflict. The Division Chief of SHPD's daughter works for me as a Session worker," and the Chair ruled, "no conflict."

Representative Rhoads then asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 50, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A ONE-DAY SUMMIT FOR THE HEALING AND CREATION OF POSITIVE CHANGE FOR THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Legislative Management, with Representatives Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1072-10), recommending that H.R. No. 209, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1073-10), recommending that H.C.R. No. 288, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 209, HD 1, and H.C.R. No. 288, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on these two resolutions, I ask for a ruling on potential conflict. At my law firm, I do procurement work and I represent many

potential offerors for energy contracts. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 209, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused; and

H.C.R. No. 288, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS," was referred to the Committee on Finance, with Representatives Takai and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1074-10) recommending that H.R. No. 110, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 110, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was adopted, with Representatives Takai and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1075-10) recommending that H.C.R. No. 175, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was adopted, with Representatives Takai and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1076-10) recommending that H.C.R. No. 102, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 102, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE VIGOROUS ENFORCEMENT OF EXISTING OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO PROMOTE THE USE OF SAFER ALTERNATIVES WITH THE GOAL OF EVENTUALLY BANNING HEXAVALENT CHROMIUM," was adopted, with Representatives Takai and Thielen being excused.

Representatives Manahan and McKelvey, for the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1077-10) recommending that H.R. No. 82, be adopted; and

(Stand. Com. Rep. No. 1078-10) recommending that H.C.R. No. 142, be adopted.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 82, and H.C.R. No. 142, be adopted, seconded by Representative Evans.

Representative McKelvey rose to speak in support of both measures, stating:

"Mr. Speaker, thank you. In strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted, and H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was adopted, with Representatives Takai and Thielen being excused; and

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was adopted, with Representatives Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1079-10) recommending that H.R. No. 81, be adopted; and

(Stand. Com. Rep. No. 1080-10) recommending that H.C.R. No. 141, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 81, and H.C.R. No. 141, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, I stand in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 81, entitled: "HOUSE RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," was adopted, with Representatives Takai and Thielen being excused; and

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," was adopted, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1081-10) recommending that S.B. No. 2676, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1082-10) recommending that S.B. No. 2432, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1083-10) recommending that S.B. No. 2109, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2109, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1084-10) recommending that S.B. No. 2173, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2173, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1085-10) recommending that S.B. No. 2685, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2685, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1086-10) recommending that S.B. No. 2806, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2806, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1087-10) recommending that S.B. No. 2825, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2825, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1088-10) recommending that S.B. No. 2803, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2803, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen being excused.

ANNOUNCEMENTS

Representative Awana: "Thank you, Mr. Speaker. This afternoon, immediately following session, there will be a legislators fellowship luncheon. Our guest speaker will be Pastor Allen Cardines from Hope Chapel Nanakuli. All legislators are invited. Thank you, Mr. Speaker."

Representative M. Lee: "Mr. Speaker, I'd like to request a waiver of the 48-hour hearing notice to hear 25 bills. They'll be heard starting at 10:00 p.m. tonight in Room 308. All Members are asked to attend."

Vice Speaker Magaoay: "Would you like to attempt to name the 25 bills?"

Representative M. Lee: "I'll send you a memo."

At 12:56 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

Representative M. Lee: "April Fools. Thank you."

ADJOURNMENT

At 12:57 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 31, 2010. (Representatives Takai and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated March 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 1927, HD 2, SD 1
H.B. No. 2289, HD 2, SD 1
H.B. No. 2351, SD 1

25th STATE LEGISLATURE
JOINT SENATE-HOUSE
2010 COMMITTEES ON CONFERENCE PROCEDURES

The Senate and the House have agreed to the following special procedures for all 2010 Regular Session Committees on Conference meetings. For purposes of these procedures:

"Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.

"Conference Committee" refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.

"Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the Action Sheets, as provided by the respective chamber.

"Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.

"Managers" refers to all members of the House and Senate assigned to a Conference Committee.

1. **Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a measure. Accordingly:

a. With the exception of the Executive Budget, the Judiciary Budget, and the Budget of the Office of Hawaiian Affairs, a Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.

b. To assure the integrity of individual measures, the merging of two or more distinct but related measures into one encompassing measure shall not be allowed.

2. **Conference Committee Meeting Times**

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

3. **Initial Public Meeting Notice**

The signatures of the chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice.

Lead chairs from both houses are encouraged to sign meeting notices first, before distributing them to other chairs to sign.

Chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible. Written notices shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official postings. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

4. **Notice of Subsequent Meetings**

a. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet again before midnight on the same day, the lead chairs of both chambers shall publicly announce at the meeting the time and place at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting as soon as possible. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

b. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet on another day, the lead chairs of both chambers shall publicly announce at the meeting the date(s), time(s), and place of the subsequent meeting(s), and submit written notice to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

c. If agreement is not reached at a duly noticed meeting and the date(s), time(s), and place of future meetings are not publicly announced at that noticed meeting, chairs shall ensure that written notice, signed by the lead chairs of their respective chamber, is submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting at least 24 hours in advance of the next meeting of the Conference Committee.

5. **Conference Room Notice**

The lead committee staff shall post notices of Conference Committee meetings adjacent to the door of the assigned conference room at the time of the meeting.

6. **Attendance at Meetings**

Except as otherwise provided in these Committees on Conference Procedures, attendance requirements shall be established by the respective chamber.

7. **Conference Discussion**

Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.

8. **Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers**

a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.

b. Chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee shall have the names of the absent chairs paged through the State Capitol public address system.

c. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the members of the public present that the Conference Committee cannot be convened or reconvened, and that, pursuant to 4c of these Committees on Conference Procedures, 24-hour notice shall be provided for a subsequent meeting of the Conference Committee.

9. **Decision-making Meeting**

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

a. A quorum of the Conference Committee shall be present for the decision-making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the Conference Committee for their respective chamber.

b. To report a measure out of Conference Committee in amended form (CD), a majority of the quorum of managers for each respective chamber shall vote in favor of the proposed amendments.

c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Draft sample attached).

d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

10. **Conference Committee Reports**

a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee Report on behalf of their respective managers; provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signature of the chair (or the chair's designee) of each fiscal committee to which the measure is referred. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.

b. All House measures reported out of Conference Committee shall be filed with the House Chief Clerk and likewise all Senate measures shall be filed with the Senate Chief Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only the original Conference Committee Report and the Conference Draft of the measure shall be required for filing.

11. **Decision-making Deadlines**

On the deadline nights for Final Decking of both non-fiscal and fiscal bills:

a. Conference Committees shall conclude their negotiations by 6:00 p.m. to allow adequate time for final preparation of the bills and Conference Committee Reports.

b. To provide all chairs with ample opportunity to review and sign the Conference Committee Reports before filing, all Conference Committee Reports shall be available for review and signature by 9:00 p.m.

c. All Conference Committee Reports and Conference Drafts of measures shall be filed with the respective Chief Clerk by 11:30 p.m.

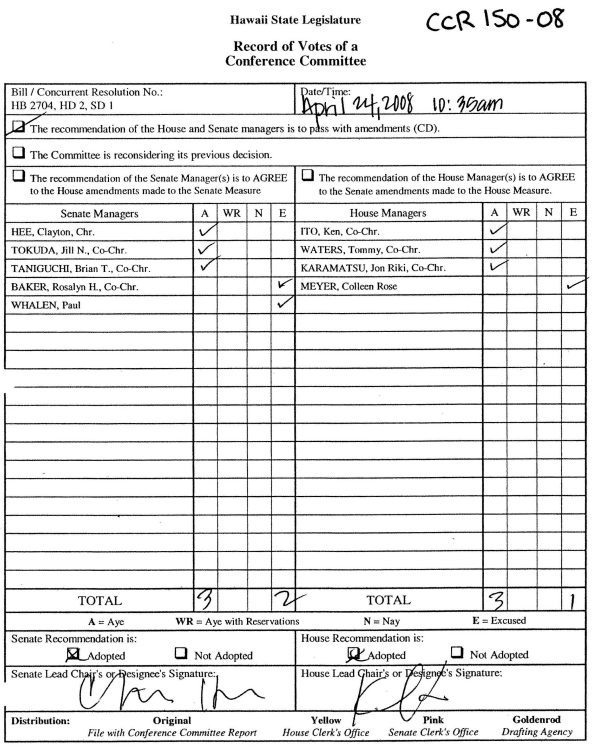
12. **Electronic Transfer**

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

13. **Exceptions to these Procedures**

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

/s/ Colleen Hanabusa	/s/ Calvin K.Y. Say
Senator Colleen Hanabusa	Representative Calvin K.Y. Say
President	Speaker
3/30/10	3/30/10
Date	Date



Hawaii State Legislature

CCR 150-08

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2704, HD 2, SD 1

Date/Time: April 4, 2008 10:35am

☑ The recommendation of the House and Senate managers is to pass with amendments (CD).

☐ The Committee is reconsidering its previous decision.

☐ The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

☐ The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	✓				ITO, Ken, Co-Chr.	✓			
TOKUDA, Jill N., Co-Chr.	✓				WATERS, Tommy, Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				KARAMATSU, Jon Riki, Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.				✓	MEYER, Colleen Rose				✓
WHALEN, Paul				✓					
TOTAL	3			2	TOTAL	3			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: ☒ Adopted ☐ Not Adopted

House Recommendation is: ☒ Adopted ☐ Not Adopted

Senate Lead Chair's or Designee's Signature:

House Lead Chair's or Designee's Signature:

Distribution: Original *File with Conference Committee Report* Yellow *House Clerk's Office* Pink *Senate Clerk's Office* Goldenrod *Drafting Agency*

FORTY-FIRST DAY

Wednesday, March 31, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

Representative Yamane introduced Mr. Patrick Alvior, a Mililani High School junior, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Chong, Morita, M. Oshiro and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fortieth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 362 through 370) were received and announced by the Clerk:

Sen. Com. No. 362, transmitting S.C.R. No. 93, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 363, transmitting S.C.R. No. 103, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A VOCATIONAL/TECHNICAL EDUCATION LEARNING CENTER AT HONOLULU COMMUNITY COLLEGE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 364, transmitting S.C.R. No. 107, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 365, transmitting S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE BUILDING OF MODULAR AND FACTORY MANUFACTURED HOMES IN HAWAII," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 366, transmitting S.C.R. No. 147, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 367, transmitting S.C.R. No. 156, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO PROMOTE THE USE OF XYLITOL FOR ITS PREVENTIVE AND THERAPEUTIC HEALTH AND ORAL HEALTH BENEFITS AND TO APPROPRIATELY INCORPORATE XYLITOL INTO THE HEALTHY HAWAII INITIATIVE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 368, transmitting S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 369, transmitting S.C.R. No. 208, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 370, transmitting S.C.R. No. 217, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS," which was adopted by the Senate on March 30, 2010.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 67) was received by the Clerk and was placed on file:

Dept. Com. No. 67, dated March 25, 2010, from James B. Nicholson, Chair, Hawaii Labor Relations Board, transmitting the Board's HLRB Informational Bulletin No. 48 with an "amended p. 3" which was previously transmitted on March 16, 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Yamane introduced Mr. Patrick Alvior who gave today's invocation, and his family: parents, Mr. Jose and Mrs. Mary Elizabeth Alvior; and his sister, Miss Caitlin Alvior.

Representative Yamane also introduced the St. Damien Boy Scout Troop and their families, as well as Catholic home school families from Mililani who traveled to the Vatican and Belgium to witness the canonization of Father Damien to Sainthood:

Mr. Chris Nishijima;
Mr. Zachary Baysa;
Mr. Zachary Fielding;
Mr. Mao Wakui of Japan;
Mr. Kenta Koike of Japan; and
Mr. Riggs Brown.

Representative McKelvey introduced members of the USO on the occasion of their anniversary:

Mr. Karl Kiyokawa, Chair, USO Hawaii Advisory Council and Vice-President Hawaii Operations, TriWest HealthCare Alliance;
Mr. Kyle Brockett, Chair-Elect, USO Hawaii Advisory Council and Asst. Vice President and Branch Manager, Bank of Hawaii, Kaneohe Marine Corps Base Hawaii;
Mr. Tom Kolstad, Regional Vice-President, USO Pacific Region; and
Ms. Eva Laird Smith, Director, USO Hawaii.

<u>USO Hawaii Advisory Council</u>
Ms. Mildred Courtney; and
Col. (ret) Jimmie Lackey.

<u>USO Officials, Staff and Volunteers</u>
Ms. Elaine Ota, USO Center Mgr., Hickam AFB;
Mr. William Johnson, USO Center Mgr., Honolulu International Airport; and
Ms. Nicole Darity, Programs Mgr.

<u>Military Liaison, USO Hawaii Advisory Council</u>
Command Master Chief Petty Officer Earl Gray, US Navy, Pearl Harbor;
Command Master Chief Petty Officer Bill Holz, US Navy, Region Hawaii; and

Sergeant Major James Sutton, USMC.

United States Coast Guard
Rear Admiral Manson Brown; and
Master Chief Petty Officer Leilani Cale-Jones.

United States Marine Corps
Col Robert Rice.

United States Air Force
Col Sam Barrett.

Base Commander, Joint Basing
Captain Richard Kitchens.

Councilman Gary Okino; Honolulu City Council;
Mr. Alan Hayashi, BAE Systems;
Mr. Mak Torreano, Lockheed Martin
Mr. Steve Colon, Hunt Development;
Mr. Larry Osborn, Northrop Grumman;
Mr. Charlie Ota, Chamber of Commerce; and
Mr. Bill Comstock, Outrigger Hotels & Resorts.

Representative Ito introduced his friend, Mr. Glenn Ida, US Navy veteran.

At 12:15 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

At this time the Chair announced:

"Members, for the Committee on Judiciary, Stand. Com. Rep. Nos. 1101-10 and 1102-10, these measures will be deferred one legislative day. We will address these measures tomorrow."

Stand. Com. Rep. No. 1101-10 and H.R. No. 11:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1102-10 and H.C.R. No. 49:

By unanimous consent, action was deferred one legislative day.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Chong, Morita and Souki were excused.)

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1041-10) recommending that S.B. No. 2441, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2441, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1042-10) recommending that S.B. No. 2449, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

At 12:47 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2441, SD 2, HD 2
S.B. No. 2449, HD 1

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1089-10) recommending that S.B. No. 2745, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2745, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"SB No. 2745, SD2, HD1 updates the Uniform Controlled Substances Act. This bill does, among other things, restore the emergency scheduling of Schedule I controlled substance Salvia divinorum and its constituent Salvinorin A as a hallucinogenic substance. I am in favor of this bill, particularly retaining the sections regarding Salvia divinorum and Salvinorin A.

"Salvia, also known as Maria Pastora, Sage of the Seers, Divine's Sage, Sally-D, and Magic Mint, needs a warm climate to grow and usually comes from Mexico and Central America. It has been used by Native Americans as a hallucinogenic.

"Salvia looks like a simple house plant without any distinguishing characteristics or smells. The drug can be either smoked or eaten and usually takes effect within 30 seconds, with effects that last between 30 minutes to one hour. An unfortunate side effect of the drug can be loss of bowel control.

"The DEA is aware of Salvia divinorum and is evaluating the plant for possible scheduling. As with any hallucinogenic drug, bad effects include DUI's and accidents as well as health effects and even possibly death from overdose. Here in Hawaii there have been reported cases of adverse reactions to the drug on Maui. The potential for another drug disaster is present so I am in agreement to add salvia to the list of controlled substances. The Senate took out the sections regarding salvia from this bill and the House restored them. I urge the Conference Committee to retain the sections on salvia."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2745, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1090-10) recommending that S.B. No. 2754, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL

DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1091-10) recommending that S.B. No. 2759, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1092-10) recommending that S.B. No. 2859, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2859, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1093-10) recommending that S.B. No. 2921, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1094-10) recommending that S.B. No. 2137, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2137, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The measure proposes to allow military personnel deployed outside Hawaii on federal active duty to cancel or suspend health club membership at any time during the contract term under certain conditions and requires pro rata refund of fees.

"I believe that this measure would resolve conflicts when active duty military personnel are placed on orders to deploy outside Hawaii. This measure will clarify conditions under which health clubs should honor federal deployment orders issued to active duty military members.

"Military members enter into agreements with health clubs in good faith and have no control over deployment orders issued by the federal government. For these reasons, I support this measure and urge my colleagues to do the same. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1095-10) recommending that S.B. No. 2357, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1096-10) recommending that S.B. No. 2488, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2488, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I rise with a request for a ruling of a potential conflict of interest. I am an owner of a house that had installed photovoltaic. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2488, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1097-10) recommending that S.B. No. 2163, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2163, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1098-10) recommending that S.B. No. 2898, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2898, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1099-10) recommending that S.B. No. 2837, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1100-10) recommending that S.B. No. 1105, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1105, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations with a couple of brief comments. I think it's well-taken because a lot of audits that are done get neglected and put on the shelf, and those that are 'hot' should be in here, but this has all of them, and I think we're going to put the public to sleep because some of

the audits don't find out anything. They're boring, and this kind of has a one-size-fits-all. Those that are deserving should have a 'may' rather than probably a 'shall'. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you. Just short comments in opposition, Mr. Speaker. Thank you. With what we're facing and the amount of work that our Executive, as well as the Legislature is doing especially with our budget crunch, I'll be voting no on this bill. Mr. Speaker, the Majority has the opportunity to pull and set informational briefings pretty much at any time, so I think we should have the language of 'may' instead of 'shall'. Thank you."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Finnegan voting no, and with Representatives Chong, Morita and Souki being excused.

At 12:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2745, SD 2, HD 1
S.B. No. 2754
S.B. No. 2759
S.B. No. 2859, SD 2, HD 1
S.B. No. 2921, SD 1, HD 1
S.B. No. 2137, SD 1, HD 1
S.B. No. 2357, SD 2, HD 1
S.B. No. 2488, SD 2, HD 1
S.B. No. 2163, SD 2, HD 1
S.B. No. 2898, SD 1, HD 1
S.B. No. 2837, SD 1, HD 1
S.B. No. 1105, SD 2, HD 1

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1103-10) recommending that H.R. No. 41, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 41, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HONOLULU LIQUOR COMMISSION TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was adopted, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1104-10) recommending that H.C.R. No. 92, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HONOLULU LIQUOR COMMISSION TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was adopted, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1105-10) recommending that S.B. No. 2937, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2937, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1106-10) recommending that S.B. No. 2154, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1107-10) recommending that S.B. No. 2472, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2472, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1108-10) recommending that S.B. No. 2532, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1109-10) recommending that S.B. No. 2547, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1110-10) recommending that S.B. No. 2408, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2408, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I rise in support with some reservations. I'd like to make a couple comments. This bill, Senate Bill 2408 was 'gut and replaced' with House Bill 2849, and just upon further analysis I believe, this actually may hurt housing development in the State of Hawaii and our economy.

"It zeroes out all housing credits. It does not increase growth by doing so, and would enrich a few developers that hold housing credits currently. A small business owner might not be able to afford the compliance with this if this becomes an Act. I will reserve further comments on Third Reading."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2408, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Finnegan voting no, and with Representatives Aquino, Chong, Morita and Souki being excused.

THIRD READING

S.B. No. 2045, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2045, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

S.B. No. 2676, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

S.B. No. 2432:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

At 12:55 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2045, SD 1, HD 1
S.B. No. 2676, SD 1
S.B. No. 2432

ANNOUNCEMENTS

At 12:55 o'clock p.m. Representative M. Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

Representative Takai: "Thank you, Mr. Speaker. A few days ago on March 23rd we had a very unique and special ceremony here on the Floor of the House. We recognized families of fallen service members. I recall Mr. Speaker, the time that you and I met in 2005 in your office to talk a little bit about this concept and I can think of two things today about that first meeting.

"The first one is, I don't think we both realized that we would still be doing it; and the second one is, I don't think that we would have anticipated how much of a profound impact we've had on these families. And we hear it almost daily how much they appreciate all of our efforts.

"So Mr. Speaker, I want to thank you for not only giving me the opportunity to introduce and shepherd that bill through the Legislature, but for giving me the opportunity to once again coordinate this year's Hawaii Medal of Honor Ceremony. But it took many, many people and I'd like to at this time acknowledge some of them.

"First, I'd like to first thank all the staff here and in the Senate. House Chief Clerk, Pat Mau-Shimizu and her staff; Senate Clerk, Carol Taniguchi and her staff; House Sergeant-at-Arms Kevin Kuroda and his staff; Senate Sergeant-at-Arms Ben Villaflor and his staff; and Linda Oamilda in the House Majority Staff Office and her staff.

"We did get a lot of support and assistance from the military. And I wanted to recognize Dennis Fujii from the US Pacific Command, who helped us with coordinating the ceremony's participants, and Leighton Siu who helped us with protocol.

"I also wanted to mention some individuals who helped us throughout the year in identifying the people who we recognized last week Tuesday. From the Army, we worked with Kole Miller, the Chief of Protocol for the 25th Infantry Division; and Captain George M. Keller. From the Navy, we had Denise Emsley. From the Air Force, we had Minnie Lanier. And from the Marines, we had Colonel (retired) Chris Blanchard.

"In addition Mr. Speaker, as all of you noticed, the Medal itself is beautiful. I wanted to again acknowledge Sergeant First Class Aaron Pollick from the Hawaii Army National Guard, who came up with the initial design which has come to symbolize much more than the medal itself.

"But with that, a lot of other people participated, namely Symbol Arts who minted the Medal. We had Kent Untermann and Valerie Wang from Pictures Plus who did the assembly and the framing. Rose Lee from Rose Lee's Alterations who helped us sew the ribbons. And Ty and Cindy Tamanaha from Awardline who helped us with the plaques.

"In addition Mr. Speaker, I would like to acknowledge those who helped us enrich the experiences for the families who travel here to attend the event. We worked closely with the Pearl Harbor Historic Sites – the USS Bowfin Submarine Museum and Park, the Battleship Missouri Memorial, the Pacific Aviation Museum-Pearl Harbor and the World War II Valor in the Pacific National Monument and they came through with support for the families. The Hale Koa Hotel and the Polynesian Cultural Center came through as well, and we worked specifically with the Hawaii Hotel Association to provide discount hotel rates for participating hotels and for the honoree families. And I would like to also add that this year we're very fortunate to receive the support of the Princess Kaiulani, the Sheraton Princess Kaiulani Hotel, who provided free hotel rooms for our families. All of these organizations and entities helped us as we helped the families make this special visit to Hawaii.

"We also had a beautiful reception following the ceremony and I wanted to thank Pat Mau-Shimizu and her staff again, Tish Mercado from Representative McKelvey's office and Carole Hagihara from Representative Choy's office for coordinating this effort. A big mahalo also goes to Denise Liu who coordinated the check-in table and Tammy Tengan for the programs. In addition, Reyna Kaneko and the Girl Scout Council of Hawaii for their gift of Girl Scout cookies distributed to each of the families being honored. I also wanted to thank our members who were hosts to these families. I think that Representative Ward's recommendation a few weeks ago really enhanced and really helped the families this year, and I hope that we will continue this in years to come.

"Many people were asking about the 'Olelo Broadcast and I wanted to make mention again, Mr. Speaker, that Capitol TV will be graciously providing a DVD for each family, both present and not present at last Tuesday's ceremony and they will also be providing one copy for each of us.

"I wanted to recognize the Planning Committee. Senate President Colleen Hanabusa, you Mr. Speaker, Senator Will Espero, and Representative Angus McKelvey. In addition, we got support from Major General Robert Lee.

"And we all know as Representatives Mr. Speaker, that much of our success and the things that we do here in this Chamber, and the State Capitol, as well as the communities that we represent, are a direct result of our staff. As I did last year and for the years prior, I wanted to especially thank Lisa Vargas from my staff. And as I said before, our staff makes us what we are. But more importantly, Lisa Vargas, my office manager, made us, the House of Representatives, the State Senate, the entire Legislature and the State of Hawaii, she made us all look good throughout the nation. This has become an ongoing project over the last five years and Lisa continues to work with the military throughout the year to identify service members and contact every single family we have had the privilege to honor and award our medal.

"This medal went and continues to go to families with Hawaii ties, and so far, as you know, as of January 15, 2010, we had a total of 268 medals awarded. And unfortunately, however, the list continues to grow and we will unfortunately be having another ceremony next year.

"So Mr. Speaker, at this time I'd like to ask you and the Members of this House to recognize everybody that I mentioned and if we could give them a round of applause. Thank you, Mr. Speaker."

Representative Ward: "Mr. Speaker. As he has commended and thanked others Mr. Speaker, would it be appropriate that we thank Representative Mark Takai for the excellent job that's he brought us. Thank you, Mark."

Representative McKelvey: "Thank you very much, Mr. Speaker and Members. Just to let everybody know, you're all invited to Room 329. We're having a lunch with 'ono grindz,' as I was instructed by the Speaker to announce to everyone. It is hosted by the USO Hawaii. Come on up and meet the good men and women of the USO and the military. I hope to see you there."

Representative Ching: "Thank you, Mr. Speaker, I just wanted to announce that, I think it was mentioned earlier, today is a special day with the signing of legislation to create a special holiday for St. Damien. I feel it's important to mention this because my district is associated with the Catholic Faith.

"Many may not be aware, as I was not aware, that actually Catholics were oppressed. Catholics were rebuffed here in the State of Hawaii. And if it wasn't but for the edict of the King of France, that they were allowed to be here.

"Hence my district named after Liliha, she was the wife of the first-ever baptized Catholic Chief Boki, and that is why Liliha has Bachelot Street after the first priest Bachelot, as well as the Catholic Charities, St. Francis, and others at Cathedral School.

"But their donation, the charitable acts of the Catholic Faith are renowned. And so on behalf of everyone here that knows of the Catholics contribution to Hawaii, you know that Father Damien is integral to that. I wanted to announce that."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and having decision making on the following measures, and the Chair "so ordered.

Decision making will be held today at 2:00 p.m. in Room 308 on the following measure previously heard on Wednesday, March 17:

SB No. 2395, SD 2.

Decision making will be held today at 6:00 p.m. in Room 308 on the following measures previously heard on Thursday, March 25:

SB No. 2124, SD 2;
SB No. 2951, SD2, HD 1; and
SB No. 2884, SD 2, HD 1.

The following measures will be heard today at 7:00 p.m. in Room 308:

SB No. 2400, SD 1;
SB No. 1178, SD 2, HD 1;
SB No. 2105, SD 2, HD 1;
SB No. 2231, SD 1, HD 1;
SB No. 2534, SD 2, HD 1;
SB No. 2600, SD 2, HD 2; and
SB No. 1141, SD 2, HD 1.

ADJOURNMENT

At 1:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 1, 2010. (Representatives Chong, Morita, Saiki and Souki were excused.)

FORTY-SECOND DAY

Thursday, April 1, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Jeannin-Melissa Russo, a law student at William S. Richardson School of Law, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Cabanilla, Chang, Herkes and Luke, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Second and Twenty-Third Days were approved. (Representatives Aquino, Cabanilla, Chang, Herkes and Luke were excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 219) was received and announced by the Clerk:

Gov. Msg. No. 219, informing the House that on March 31, 2010, the following bill was signed into law:

S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY." (ACT 010)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 371 through 384) were received and announced by the Clerk:

Sen. Com. No. 371, transmitting S.C.R. No. 140, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO KPMG'S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT'S OPERATIONS AND WORKFLOW," which was adopted by the Senate on March 31, 2010.

Sen. Com. No. 372, transmitting S.C.R. No. 195, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE SIGN LANGUAGE AND OTHER COMMUNICATION STRATEGIES DURING INSTRUCTION TO ENHANCE THE LEARNING OF CHILDREN WITH COGNITIVE AND OTHER DISABILITIES," which was adopted by the Senate on March 31, 2010.

Sen. Com. No. 373, transmitting S.C.R. No. 206, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," which was adopted by the Senate on March 31, 2010.

Sen. Com. No. 374, transmitting S.C.R. No. 221, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TASK FORCE TO MAKE RECOMMENDATIONS FOR AN EDUCATIONAL PROGRAM FOR HIGH SCHOOL ATHLETIC COACHES AND TRAINERS TO AVOID AND MINIMIZE INJURIES TO HIGH SCHOOL ATHLETES," which was adopted by the Senate on March 31, 2010.

Sen. Com. No. 375, transmitting H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 376, transmitting H.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 377, transmitting H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 378, transmitting H.B. No. 840, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 379, transmitting H.B. No. 1019, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 380, transmitting H.B. No. 1862, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 381, transmitting H.B. No. 1863, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 382, transmitting H.B. No. 2157, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 383, transmitting H.B. No. 2397, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," which passed Third Reading in the Senate on March 31, 2010.

Sen. Com. No. 384, transmitting H.B. No. 2784, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," which passed Third Reading in the Senate on March 31, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Aquino, Cabanilla, Chang, Herkes and Luke were excused.)

H.B. No. 840, HD 1, (SD 1)
H.B. No. 1019, HD 1, (SD 1)
H.B. No. 1862, HD 1, (SD 1)
H.B. No. 1863, HD 1, (SD 1)
H.B. No. 2157, HD 1, (SD 1)
H.B. No. 2397, HD 1, (SD 1)
H.B. No. 2784, HD 1, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Manahan introduced former Fern Elementary School teacher, Ms. Louise Cayetano with the HSTA.

Speaker Say introduced Ms. Arline Lum with the HSTA.

At 12:14 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m., with Vice Speaker Magaoay presiding.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	Referred to:
93, SD1	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Transportation
103, SD1	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
107, SD1	Committee on Education, then to the Committee on Finance
117, SD1	Committee on Housing, then to the Committee on Economic Revitalization, Business, & Military Affairs
147, SD1	Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Legislative Management
156, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
178, SD1	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
208, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
217, SD1	Committee on Agriculture, then to the Committee on Finance

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1101-10) recommending that H.R. No. 11, be adopted; and

(Stand. Com. Rep. No. 1102-10) recommending that H.C.R. No. 49, be adopted.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1101-10 and Standing Committee Report No. 1102-10, that H.R. No. 11, and H.C.R. No. 49, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen rose to speak in support of the motion to recommit, stating:

"I strongly support the motion, Mr. Speaker. I think that's a very wise thing to do and I appreciate this step by the Majority Caucus. Thank you."

Representative Ward rose to speak in support of the motion to recommit, stating:

"Mr. Speaker, as the Chair of the Gender Equity Caucus of the Minority Caucus, we are fully in support of this motion. Thank you."

Representative Cabanilla rose to speak in opposition to the motion to recommit, stating:

"In opposition to recommital Mr. Speaker, and I would like to give a few comments. For the last 23 years of my life that I have served in the regular Army, as well as the Army Reserve, I have been a proponent of gender equality and gender equity, Mr. Speaker. And I have always voiced that we women are just as capable as men.

"To recommit this bill will be to admit that men always have the upper hand on women, and although there are a lot of women who may not agree with me, I think this underlying measure is a step to say that we are just as capable, even in the field of aggression or otherwise.

"So I would like to state for the record that this is a step in the opposite direction, as far as obtaining gender equity for women. Thank you, Mr. Speaker."

Representative Thielen rose to respond, stating:

"Mr. Speaker, I just want to respond to the former speaker. I would like to just note that the Domestic Violence Action Center makes it very clear that the specialized domestic violence programs are dedicated to helping all victims, and stopping domestic violence whenever it occurs.

"It recognizes that domestic violence affects everyone: women, men and children. And while 85% of all victims are women, men are victims in 15% of the cases. So they're making it very clear that these services are available to male and female victims, and treatment is available to male and female offenders.

"I would also like to just briefly note that the Hawaii State Coalition Against Domestic Violence states that domestic violence services in the State of Hawaii are committed to helping victims and ending domestic violence regardless of the gender of the perpetrator. Programs are accessible and available to provide support to both male and female victims, and treat both male and female offenders.

"So our system is gender neutral, and it's operating well. Both of those domestic violence providers testified in opposition to these resolutions. Thank you."

The Chair then stated:

"Members, we are voting on the motion to recommit these two resolutions and not on the merit of the resolutions. But if you would like to enter your comments, that is fine."

Representative Belatti rose in support of the motion to recommit and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I stand in support of recommittal of House Resolution 11 and House Concurrent Resolution 49. The general intent of these resolutions, to study the causes and effects of domestic violence, is commendable. Unfortunately, last month noted the fifth death related to domestic violence in Hawaii for 2010. All but one of these individuals were female. The lone exception was a male who killed himself after attempting to murder his former girlfriend at a Kailua bowling alley. The problem of domestic violence is tragically prevalent in our State, and more attention being paid to it will help us address the root causes of these destructive social behaviors.

"However, the means with which these resolutions seek to study domestic violence are misdirected at a time when budget constraints call for more well-defined measures if we hope to accomplish our goal of better understanding and fighting domestic violence. Ordering an already cut and crippled Department of Human Services to perform another study while the department is experiencing massive layoffs and restructuring is legislative micro-management at the worst possible time. In addition to budget and staff cuts already sustained in 2009, DHS is presently facing cuts which will result in the loss of 228 full-time positions. The appropriate agencies that may be better suited for the study being called for are the Department of the Attorney General and the Prosecutor's Offices of the various counties. Finally, at a time when services to victims of domestic violence are diminishing because of state budget cuts and declining donations, it would also be inappropriate to demand these non-

profit services to perform statistical analyses above and beyond what they are already doing.

"Much has been done in the last decade in Hawaii to bring attention to domestic violence. I believe everyone in this Chamber is committed to addressing this terrible social problem afflicting all of our communities. However, these legislative measures as drafted now would not accomplish our goals at this time and these resolutions should be recommitted."

The motion was put to vote by the Chair and carried, and H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was recommitted to the Committee on Judiciary, with Representative Cabanilla voting no, and with Representatives Chang, Herkes and Luke being excused; and

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was recommitted to the Committee on Judiciary, with Representative Cabanilla voting no, and with Representatives Chang, Herkes and Luke being excused.

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1111-10) recommending that S.B. No. 2834, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2834, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"I would also cast a no vote. I do not believe we should offer deductions for gambling which is an illegal activity. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2834, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Marumoto and Thielen voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1112-10) recommending that S.B. No. 2395, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2395, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on potential conflict on SB 2395. At my law firm, I do believe we represent HSTA on ERISA issues, but I don't work on that case. Thank you," and the Chair ruled, "no conflict."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'd like the clerk to register a with reservations vote for me on this one.

"Thank you. I just wanted to mention a couple things since we're on Second Reading. Just for the Members to contemplate. This bill basically extends the VEBA program, the VEBA Trust for the teachers by six months until December 2010. And the reason for that is, as we all know, there are some issues concerning the current operations of the Employee Union Trust Fund. And those concerns really are in terms of the amount of staffing and ability for the Trust to adequately address the concerns of the current members.

"You may not know, but I believe and still trust that come July 1st, I think open enrollment for the next year should begin shortly, and we're going to go through this whole thing all over again.

"The last one that we did was in my eyes, poorly implemented. It was a challenge for everybody, not to mention a challenge for all our personnel officials throughout the State and counties. And I just can't imagine us doing another open enrollment for a new year which will be a full year, July 1st to June 30th of next year, but also to deal with the teachers.

"Having said that, I don't think the EUTF is even going to be ready this December to take on the additional teachers even if we decide to do that. So my reservations are twofold. Number one, is I still continue to support the continuation of the EUTF. And number two, if we do decide that it's no longer beneficial to the State and we decide to consolidate the teacher's into the EUTF, I do believe that the December deadline is still going to be very difficult for the EUTF to meet. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure with reservations, stating:

"I also rise on this which is the correct bill this time, with reservations which are as the other speaker indicated, except I wanted to note one foot note that in the Finance Committee, we had the auditor's report and then we had HSTA's consultant who was there. And many of us, and I take partial guilt for that, were probably partially 'brain dead,' because we had been doing so much Finance work. During that hearing, there was a lot on the agenda so we never heard the full other side of the story. But I know we're hearing the other full side of the story from the EUTF, in that it is near insolvent. And if not insolvent, losing a million per year. The point is, it's in serious trouble. It makes VEBA look all the better. So as we cut this one out in favor of something, that which may be stronger, in effect, it may be weaker. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2395, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1113-10) recommending that S.B. No. 2405, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2405, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with a couple of brief comments. Mr. Speaker, just a brief reminder that this is job killer bill number 7, and to be mindful of the context that in the three quarters of the last year, we lost 46,000 jobs. When these rules of the business change, the employees are going to suffer because they're the ones that are going to be cut.

"So we're trying to make the budget balance, but at the same time, the cost that it's going to take to clean up the mess when the businesses that

hire 80% of all our employees can't make their payroll. They're going to cut employees. So is it 'penny wise and pound foolish'? That's why it's a job killer. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. I seem to be very contrary this morning. I am in opposition to this bill. I think mainly because I have a real aversion to the Senate Bill which institutes the streamline sales tax and raises the general excise tax. I think those are big job killers.

"But also, the House Draft 1 will cap itemized deductions and I think an unintended consequence of capping these deductions may reduce contributions to charities and other worthwhile causes because a taxpayer's contribution deductions will be limited. So I caution the Conference Committee to please consider this very carefully. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"A no vote for me please, for the same reason that was just mentioned."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you. Also a no vote for the same reasons."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2405, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1114-10) recommending that S.B. No. 2493, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2493, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote. Thank you. And just two comments as we ponder this measure for Third Reading next week. In 2007, the University of Hawaii Medical School made a commitment to us all of us and said that they needed additional general fund support for two years. So we actually wrote a proviso into the budget and provided them with that increase. We also gave them this bill and they said they only needed it for four years and they'll figure things out. Everything will work out. Well today, we see this bill and it extends the lapse date from 2011, to 2015. It basically doubles the amount of time that they're requesting that from us. That's number one.

"Number two, I do know that we have a critical shortage of physicians in Hawaii. But you know, supporting the Medical School does not, I repeat does not guarantee that we will increase the amount of doctors in Hawaii.

"I made this statement numerous times, and I'll make it again today. That if we want to ensure that our tax dollars, hard earned tax dollars from the taxpayers of this State goes to support the increase of doctors, we're going to need to require that any and all students that choose to go to the UH Medical School must, must stay in Hawaii to practice after they're done. After they're done with their residency and other requirements like that. There's no requirement. So if you take a look at the number of students that graduate from the UH Med School and then take their residency on the mainland, take a look at how many people come back.

"I talked to the Dean and he said that when they go away to, let's say, Los Angeles for their residency, they fall in love, etc. I say, that's fine, but there's a price to pay. If you fall in love in LA and you decide not to come back to Hawaii, there should be a price. Because it costs us a tremendous amount of money to educate these medical school students, and we are hoping that they stay in Hawaii. I think we have to go beyond hope. So I would hope that over the next few days that our colleagues take a look at those two concerns. Thank you, Mr. Speaker."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I did want to disclose that my grandson is at the med school," and the Chair ruled, "no conflict."

Representative Thielen continued in opposition to the measure, stating:

"Thank you. I still oppose the bill."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. I would like to make a brief comment regarding the extension of funds for the School of Medicine. Mr. Speaker, our predecessors before us made the decision, and supported the decision to develop the John A. Burns School of Medicine. Mr. Speaker, some of the previous speakers have highlighted that in the past, some promises were made and were unfortunately never followed through.

"However Mr. Speaker, the times that we're facing currently require us to look past that, and look at the issues before us. We do have a physician shortage, especially on the Neighbor Islands Mr. Speaker. Also, if we want our physicians to be homegrown Mr. Speaker, we have to make that investment into a school.

"Mr. Speaker, there are programs currently, where the School of Public Health, the School of Social Work, and other schools are not required or not pushed by members of my Caucus or any Caucus, to require that the graduates of University of Hawaii or any University within the UH System be required to remain here. If we're going to make that a policy, then we should make that statewide.

"It negates the fact just like other universities, major universities, both nationally internationally, in which they want their students to move abroad and be part of the greater community because it enhances the knowledge and expertise of the university that they graduated from. Thank you, Mr. Speaker."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill for a number of different reasons. And I would like our colleagues to just remember the quote that, 'our past is not our potential.' If we're looking at continuing to utilize the Tobacco Settlement Fund money for this particular endeavor, then I think we need to ask different questions. Thank you."

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2493, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO SETTLEMENT FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg, Hanohano, Rhoads, Takai and Thielen voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1115-10) recommending that S.B. No. 2578, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2578, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. On Stand. Com. Rep. No. 1115, I would like to vote with reservations on this measure mainly because it's a new tax credit that we're establishing, and because it is a blank percentage. I don't know how much it will amount to, and I think hopefully we will have a better idea how much it will cost us before the final passage. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2578, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1116-10) recommending that S.B. No. 2643, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1117-10) recommending that S.B. No. 2695, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2695, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1118-10) recommending that S.B. No. 2001, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2001, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with a brief comment. Mr. Speaker, this bill effectively eliminates, kills, makes 'dead as a dodo,' Act 221, which we phased out last year. And now this one says that in the last six months, we're going to pull the rug from underneath you.

"The unfortunate thing is that this sends a signal to our budding high-tech entrepreneurs here, as well as across America, that Hawaii's closing the high-tech industry. The welcome mat's no longer there. And granted, some of these things may have been generous, but ratcheting it down rather than precipitously closing would have been preferential. So this one does it rather abruptly, and I'm sure the repercussions from the high-tech community will be not fast, but they'll be severe and long lasting. Thank you."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"I would request a ruling on a possible conflict. This is for both Stand. Com. Rep. Nos. 1118 and 1119. I'm associated with an entity that has invested in qualified high-tech businesses. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes reservations, and just a quick comment. As the speaker from Hawaii Kai had mentioned, we're ending the repeal of this Act six months earlier than we did earlier. While I was very supportive of many of the controversial changes we made to Act 221 and 215, this just gives the very businesses that have invested based on the previous version of the law that gave them a lot of incentives to invest in Hawaii. It really gives them very little time to adjust their investments and recapture their investments."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2001, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Finnegan, Thielen and Ward voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1119-10) recommending that S.B. No. 2401, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2401, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"I would request a ruling on a possible conflict. This is for both Stand. Com. Rep. Nos. 1118 and 1119. I'm associated with an entity that has invested in qualified high-tech businesses. Thank you," and the Chair ruled, "no conflict."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker. I would like a no vote for the same reasons as the previous bill. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes Mr. Speaker and Members, I want to vote with some reservations. I believe this is going to be coming up for Third Reading very shortly so I will not expand on my concerns for this bill except to say that the high-technology credits have been treated differently than other suspension of credits, and I would like to discuss this further later on. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2401, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Finnegan, Thielen and Ward voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1120-10) recommending that S.B. No. 2402, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2402, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, again in opposition and a no vote. This one actually had died and it's come back alive again. This one has everything including the 'kitchen sink' in terms of, if you get an exemption, we're taking it back. I think it's going to be a confusing factor. It's going to be a CPA's dream because it's going to take a CPA to know how to do your taxes. How to get your everyday books together. And what it's going to do Mr. Speaker, is that there's so many job killers, I forget which number this is, but this is still a job killer. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2402, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Marumoto, Thielen and Ward voting no, and with Representatives Chang, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1121-10) recommending that S.B. No. 2400, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2400, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chang, Herkes and McKelvey being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Chang, Herkes and McKelvey were excused.)

THIRD READING

S.B. No. 2109, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 2109, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support and may I request permission to enter written comments into the Journal?"

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of S.B. 2109, S.D. 2, H.D. 1. This bill authorizes the Hawaii Housing Finance and Development Corporation (HHFDC) to grant no-interest, low-income housing tax credit loans to replace State low-income housing tax credits that have been devalued because of the economic crisis.

"HHFDC is the primary agency charged with overseeing affordable housing finance and development in Hawaii. The lack of affordable housing remains a significant problem affecting our State. Working families are finding it harder to purchase or rent a home. HHFDC works with the State's residents, housing developers, and financiers to make the dream of home ownership come true for Hawaii's residents.

"However, the current recession and turmoil in the financial markets has made the financing and development of low-income housing very difficult, if not impossible. S.B. 2109, S.D. 2, H.D. 1 will provide needed flexibility to jump-start the development and construction of stalled affordable rental housing projects for families at or below 60 percent of the area median

income. Turning tax credits into a monetized resource for affordable housing developers will result in more affordable housing being built, without increasing costs to the State.

"Passage of S.B. 2109, S.D. 2, H.D. 1 will be a win-win for our depressed economy. It will increase the supply of new, affordable housing. It will also help our local economy by using our existing resources more effectively and allow many stalled affordable housing projects to commence construction, putting hundreds of people back to work and stimulating our local economy. For these reasons, I stand in strong support of this measure. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support for Senate Bill 2109, SD2, HD1, Relating to Low-Income Housing. This bill would establish a program for granting a no-interest low-income housing tax credit loan by the HHFDC.

"This program would result in more affordable housing units being built without increasing costs to the State. Such a program could also help boost our economy by providing jobs to those who would build affordable housing units. Therefore, Mr. Speaker I support Senate Bill 2109, SD2, HD1."

The motion was put to vote by the Chair and carried, and S.B. No. 2109, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

S.B. No. 2173, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2173, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

S.B. No. 2685, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2685, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

S.B. No. 2806, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2806, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

S.B. No. 2825, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2825, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

S.B. No. 2803, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2803, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Herkes and McKelvey being excused.

At 12:57 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2109, SD 2, HD 1
S.B. No. 2173, SD 1, HD 1
S.B. No. 2685, SD 1, HD 1
S.B. No. 2806, SD 2, HD 1
S.B. No. 2825, SD 1, HD 1
S.B. No. 2803, SD 1, HD 1

ANNOUNCEMENTS

Representative M. Lee: "Mr. Speaker, I would just like to remind people that at 2:30 p.m. today, IHS will pick up the Easter baskets and everyone is invited to come to the Chamber level turnaround at 2:30 p.m. and we'll present them to IHS and we'll take a few pictures. To those of you who contributed the Easter baskets, thank you so much for your generosity. It will be much appreciated by IHS. Thank you, Mr. Speaker."

Representative Morita: "Thank you, Mr. Speaker. Members, you have one more hour to participate in the District 14 Getaway. If you're not familiar with this, District 14 is the most beautiful district in the State of Hawaii. So we're gladly accepting your donations for this fabulous weekend getaway. Thank you."

Representative Yamashita: "Thank you very much, Mr. Speaker. Just a reminder that we're at the tail end of the Bizarre Bazaar. You have one more minute to participate. We still have a few items. Thank you."

Representative Ching: "Thank you, Mr. Speaker. On behalf of the Heritage Caucus, on Monday we do have an Economic Forum on Heritage Tourism. It's in Room 329. It starts early in the morning. Breakfast at 7:30, and the panel discussion at 8:00. Thank you, so much."

Representative Karamatsu for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making on the following measure, today at 2:00 p.m. in Room 325, and the Chair "so ordered."

SB No. 2169, SD 2, HD 2, Relating to Shark Fins

Representative Belatti: "Just one quick announcement. Just a reminder that today is April 1st and Census Day. So if you haven't turned in your Census forms, please do so. It means lots of federal moneys can come to us if we are all accurately counted. Thank you."

Representative Ward: "And lest we forget Easter is on Sunday. So Happy Easter to everybody."

Representative Say: "Mr. Speaker, prior to adjournment of the session today, may we have a moment of silence for one of our employees who just passed away.

"At 12:45, Mr. Eric Maehara from the Legislative Reference Bureau passed away. He did all of your drafting. He did all of the legal checks. He had just passed away from his battle with cancer at 12:45 at Queen's Hospital. So may we have a moment of silence on behalf of Eric and his family. Thank you."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Eric Maehara of the Legislative Reference Bureau.

At this time, Representative Evans moved to keep the Journal open until 9:00 p.m. this legislative day for the purpose of receiving Standing Committee Reports and Senate Bills transmitted thereby, seconded by Representative Pine and carried. (Representatives Chang, Herkes and McKelvey were excused.)

RECESS

At 1:02 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:00 o'clock a.m., Tuesday, April 6, 2010. (Representatives Chang, Herkes and McKelvey were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1122-10 through 1239-10) were received by the Clerk prior to 9:00 p.m. this legislative day, and the following action taken:

Stand. Com. Rep. No. 1122-10 (JUD) and S.B. No. 358, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1123-10 (JUD) and S.B. No. 2409, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1124-10 (JUD) and S.B. No. 2565, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1125-10 (JUD) and S.B. No. 2701, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1126-10 (JUD) and S.B. No. 2726, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1127-10 (JUD) and S.B. No. 2883, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1128-10 (CPC) and S.B. No. 2325, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1129-10 (CPC) and S.B. No. 2390, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1130-10 (CPC) and S.B. No. 2770, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1131-10 (CPC) and S.B. No. 2811, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1132-10 (CPC) and S.B. No. 2371, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1133-10 (HAW) and S.B. No. 633, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1134-10 (WLO) and S.B. No. 2646, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1135-10 (JUD) and S.B. No. 2020, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1136-10 (JUD) and S.B. No. 2817, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1137-10 (JUD) and S.B. No. 107, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1138-10 (CPC/JUD) and S.B. No. 2491, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1139-10 (CPC/JUD) and S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1140-10 (CPC/JUD) and S.B. No. 2607, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1141-10 (CPC/JUD) and S.B. No. 2545, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1142-10 (CPC/JUD) and S.B. No. 2775, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1143-10 (FIN) and S.B. No. 696, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1144-10 (FIN) and S.B. No. 2523, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1145-10 (FIN) and S.B. No. 2527, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1146-10 (FIN) and S.B. No. 2399, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1147-10 (FIN) and S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1148-10 (FIN) and S.B. No. 2809, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1149-10 (FIN) and S.B. No. 2842, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1150-10 (FIN) and S.B. No. 1230, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1151-10 (FIN) and S.B. No. 2165, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1152-10 (FIN) and S.B. No. 2220, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1153-10 (FIN) and S.B. No. 2603, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1154-10 (FIN) and S.B. No. 2068, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1155-10 (FIN) and S.B. No. 2117, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1156-10 (FIN) and S.B. No. 2120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1157-10 (FIN) and S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1158-10 (FIN) and S.B. No. 2434, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1159-10 (FIN) and S.B. No. 2589, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1160-10 (FIN) and S.B. No. 2115, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1161-10 (FIN) and S.B. No. 2172, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1162-10 (FIN) and S.B. No. 2256, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1163-10 (FIN) and S.B. No. 2257, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1164-10 (FIN) and S.B. No. 2452, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1165-10 (FIN) and S.B. No. 2570, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1166-10 (FIN) and S.B. No. 2571, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1167-10 (FIN) and S.B. No. 2709, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1168-10 (FIN) and S.B. No. 2828, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1169-10 (FIN) and S.B. No. 2544, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1170-10 (FIN) and S.B. No. 2563, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1171-10 (FIN) and S.B. No. 2548, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1172-10 (FIN) and S.B. No. 2840, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1173-10 (FIN) and S.B. No. 506, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1174-10 (FIN) and S.B. No. 2139, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1175-10 (FIN) and S.B. No. 2831, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1176-10 (FIN) and S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1177-10 (FIN) and S.B. No. 2649, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1178-10 (FIN) and S.B. No. 2903, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1179-10 (FIN) and S.B. No. 2386, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1180-10 (FIN) and S.B. No. 930, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1181-10 (FIN) and S.B. No. 2494, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1182-10 (FIN) and S.B. No. 2599, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1183-10 (FIN) and S.B. No. 2729, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1184-10 (FIN) and S.B. No. 2885, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1185-10 (FIN) and S.B. No. 2919, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1186-10 (FIN) and S.B. No. 2611, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1187-10 (FIN) and S.B. No. 910, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1188-10 (FIN) and S.B. No. 2473, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1189-10 (FIN) and S.B. No. 2593, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1190-10 (FIN) and S.B. No. 2716, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1191-10 (FIN) and S.B. No. 2469, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1192-10 (FIN) and S.B. No. 2650, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1193-10 (FIN) and S.B. No. 2150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1194-10 (FIN) and S.B. No. 2116, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1195-10 (FIN) and S.B. No. 2159, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1196-10 (FIN) and S.B. No. 2378, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1197-10 (FIN) and S.B. No. 2454, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1198-10 (FIN) and S.B. No. 2661, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1199-10 (FIN) and S.B. No. 2807, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1200-10 (FIN) and S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1201-10 (FIN) and S.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1202-10 (FIN) and S.B. No. 2323, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1203-10 (FIN) and S.B. No. 2394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1204-10 (FIN) and S.B. No. 2691, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1205-10 (FIN) and S.B. No. 1062, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1206-10 (FIN) and S.B. No. 2175, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1207-10 (FIN) and S.B. No. 2324, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1208-10 (FIN) and S.B. No. 2566, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1209-10 (FIN) and S.B. No. 2626, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1210-10 (FIN) and S.B. No. 2849, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1211-10 (FIN) and S.B. No. 950, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1212-10 (FIN) and S.B. No. 2054, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1213-10 (FIN) and S.B. No. 2502, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1214-10 (FIN) and S.B. No. 2533, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1215-10 (FIN) and S.B. No. 2702, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1216-10 (FIN) and S.B. No. 2601, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1217-10 (FIN) and S.B. No. 2187, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1218-10 (FIN) and S.B. No. 2105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1219-10 (FIN) and S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1220-10 (FIN) and S.B. No. 2863, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1221-10 (FIN) and S.B. No. 2201, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1222-10 (FIN) and S.B. No. 2461, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1223-10 (FIN) and S.B. No. 2897, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1224-10 (FIN) and S.B. No. 2942, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1225-10 (FIN) and S.B. No. 1315, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1226-10 (FIN) and S.B. No. 2019, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1227-10 (FIN) and S.B. No. 2440, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1228-10 (FIN) and S.B. No. 2610, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1229-10 (FIN) and S.B. No. 2144, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1230-10 (FIN) and S.B. No. 2231, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1231-10 (FIN) and S.B. No. 2385, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1232-10 (FIN) and S.B. No. 2600, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1233-10 (FIN) and S.B. No. 1178, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1234-10 (FIN) and S.B. No. 2534, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1235-10 (FIN) and S.B. No. 2884, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1236-10 (FIN) and S.B. No. 2124, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1237-10 (FIN) and S.B. No. 2951, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1238-10 (FIN) and S.B. No. 1141, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on April 6, 2010.

Stand. Com. Rep. No. 1239-10 (JUD) and S.B. No. 2169, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," were placed on the calendar for Third Reading on April 6, 2010.

ADJOURNMENT

At 9:00 o'clock p.m., the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, April 6, 2010.

HOUSE COMMUNICATIONS

House Communication dated April 1, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 840, HD 1, SD 1
H.B. No. 1019, HD 1, SD 1
H.B. No. 1862, HD 1, SD 1
H.B. No. 1863, HD 1, SD 1
H.B. No. 2157, HD 1, SD 1
H.B. No. 2397, HD 1, SD 1
H.B. No. 2784, HD 1, SD 1

FORTY-THIRD DAY

Tuesday, April 6, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:05 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Arapata Meha, Associate Dean of Admissions of Bringham Young University - Hawaii, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla and Hanohano, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 220 through 222) were received and announced by the Clerk:

Gov. Msg. No. 220, informing the House that on April 1, 2010, the following bill was signed into law:

S.B. No. 2699, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES." (ACT 011)

Gov. Msg. No. 221, dated April 1, 2010, requesting immediate passage of S.B. No. 1178, SD 2, HD 2, authorizing emergency appropriations of $40,000,000 in general funds and $80,000,000 in federal funds for the Health Care Payments Program (HMS 401) to address a funding shortfall in the Medicaid program.

Gov. Msg. No. 222, dated April 1, 2010, requesting immediate passage of S.B. No. 2400, SD 1, HD 1, authorizing general fund emergency appropriations of $250,000 to the Office of Elections to fund operating costs for the 2010 Regular Elections, and an additional $140,000 to the Office of Elections to reimburse the City and County of Honolulu for the 2010 Special Election.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 385 through 393) were received and announced by the Clerk:

Sen. Com. No. 385, transmitting S.C.R. No. 40, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," which was adopted by the Senate on April 1, 2010.

Sen. Com. No. 386, transmitting S.C.R. No. 145, SD 1, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII," which was adopted by the Senate on April 1, 2010.

Sen. Com. No. 387, transmitting S.C.R. No. 207, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009," which was adopted by the Senate on April 1, 2010.

Sen. Com. No. 388, transmitting S.C.R. No. 218, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG," which was adopted by the Senate on April 1, 2010.

Sen. Com. No. 389, transmitting S.C.R. No. 235, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," which was adopted by the Senate on April 1, 2010.

Sen. Com. No. 390, dated April 1, 2010, informing the House that the Senate has on March 31, 2010, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 2340, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL."

Sen. Com. No. 391, transmitting H.B. No. 2056, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," which passed Third Reading in the Senate on April 1, 2010.

Sen. Com. No. 392, transmitting H.B. No. 2197, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on April 1, 2010.

Sen. Com. No. 393, transmitting H.B. No. 2568, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," which passed Third Reading in the Senate on April 1, 2010.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla and Hanohano were excused.)

H.B. No. 2056, HD 1, (SD 1)
H.B. No. 2197, HD 1, (SD 1)
H.B. No. 2568, (SD 1)

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. Nos.	Re-referred to:
27	Committee on Health
34, HD1	Jointly to the Committee on Health and the Committee on Human Services
40	Committee on Agriculture
145	Committee on Finance
232	Committee on Finance

H.C.R. Nos.	Re-referred to:
68	Committee on Health
76, HD1	Jointly to the Committee on Health and the Committee on Human Services
89	Committee on Agriculture
216	Committee on Finance

317 Committee on Finance

CONSENT CALENDAR

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, at this time the Chair will be taking Standing Committee Report No. 1143-10, which is on page 3, out of order. We will be taking up this measure which is on page 3, out of order."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1143-10) recommending that S.B. No. 696, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1143-10, that S.B. No. 696, SD 1, HD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and S.B. No. 696, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," was recommitted to the Committee on Finance, with Representatives Cabanilla and Hanohano being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representative Hanohano was excused.)

CONSENT CALENDAR

UNFINISHED BUSINESS

At 9:13 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:16 o'clock a.m.

At this time, the Chair stated:

"Members, at this time there will be no discussion, since these items were agreed upon by this Body for placement on the Consent Calendar."

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1125-10) recommending that S.B. No. 2701, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1128-10) recommending that S.B. No. 2325, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2325, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1130-10) recommending that S.B. No. 2770, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2770, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1133-10) recommending that S.B. No. 633, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 633, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1137-10) recommending that S.B. No. 107, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 107, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1139-10) recommending that S.B. No. 2597, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2597, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 2597, H.D. 1 which amends HRS §431 in two ways. First, it allows HEMIC to split the titles and responsibilities of "CEO" and "President" which will allow a smoother transition of executive leadership. The amendment also enables Directors who have served two full terms to be re-elected after sitting out a term by inserting "consecutive" to the two term limitation. Thus, HEMIC will have a more experienced executive staff which will benefit HEMIC members and Hawaii employers.

"Secondly, this measure attempts to clarify that HRS chapter 431-14A does not create a higher legal standard of liability for HEMIC than any other Hawaii workers' compensation insurers—that language in our statute (that HEMIC is intended to provide the "highest level of service", and its purposes include fostering the "highest standard of workplace safety and loss prevention, to encourage employer involvement, and to be responsive to each policyholder's experience, practice, and operating effectiveness") apparently is merely 'fluff.' Those opposed to this measure raise concerns this measure will result in insulating HEMIC from bad faith lawsuits, which is a common law claim to hold HEMIC accountable if abuses occur. However, the proposed amendment states that HEMIC is subject to common law suits for bad faith, which puts them in the same position as any other issuers of workers compensation insurance in Hawaii. By passing this measure, the Legislature does not intend to shield HEMIC or any other workers' compensation insurers from accountability for any legally recognized common law claims.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL

INSURANCE COMPANY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1140-10) recommending that S.B. No. 2607, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2607, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1141-10) recommending that S.B. No. 2545, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2545, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1142-10) recommending that S.B. No. 2775, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2775, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1146-10) recommending that S.B. No. 2399, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2399, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1148-10) recommending that S.B. No. 2809, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2809, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1155-10) recommending that S.B. No. 2117, SD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2117, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1157-10) recommending that S.B. No. 2122, SD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1161-10) recommending that S.B. No. 2172, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1163-10) recommending that S.B. No. 2257, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2257, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1167-10) recommending that S.B. No. 2709, SD 1, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2709, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1169-10) recommending that S.B. No. 2544, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2544, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1170-10) recommending that S.B. No. 2563, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2563, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1173-10) recommending that S.B. No. 506, SD 1, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 506, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1174-10) recommending that S.B. No. 2139, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2139, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1175-10) recommending that S.B. No. 2831, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2831, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1176-10) recommending that S.B. No. 2389, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1177-10) recommending that S.B. No. 2649, SD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2649, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1179-10) recommending that S.B. No. 2386, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2386, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1182-10) recommending that S.B. No. 2599, SD 2, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2599, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1183-10) recommending that S.B. No. 2729, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2729, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1184-10) recommending that S.B. No. 2885, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2885, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1186-10) recommending that S.B. No. 2611, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2611, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1187-10) recommending that S.B. No. 910, SD 1, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 910, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1190-10) recommending that S.B. No. 2716, SD 2, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2716, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1193-10) recommending that S.B. No. 2150, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1194-10) recommending that S.B. No. 2116, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2116, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2116 S.D.2 H.D.2 which authorizes the Governor to delegate to the Superintendent of Education the authority to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees, under certain circumstances, when the use of county property will be for a school purpose or function.

"Public schools on Maui – as is common throughout our State – utilize county property for essential school functions such as sporting events, graduation ceremonies, playgrounds, and physical education facilities. Our residents, in many cases, don't distinguish between State and County facilities or the bureaucratic idiosyncrasies associated with different agencies – they are mainly interested in seeing their children play in a safe and well-maintained facility, or walk down the aisle in their cap and gowns, or attend a community meeting in a clean building. The current process for the Department of Education to obtain approval from the Governor to indemnify the county when a public school uses a county

facility for a school function is unnecessarily burdensome, especially when changes discovered too late to follow the usual bureaucratic process of approvals require decisions at a more local level. Many times, the burden falls on the classroom teachers and the individual schools to work through the issues with county officials with details that shouldn't require an entirely new review at the level of the Board of Education, the Superintendent or the Governor. This measure would streamline the indemnification process, easing the burden for teachers and allowing continued use of county property for important public school functions.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2116, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1200-10) recommending that S.B. No. 2050, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1202-10) recommending that S.B. No. 2323, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2323, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1204-10) recommending that S.B. No. 2691, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2691, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 2691, SD1, HD 1. This bill allows the Employee Retirement System (ERS) to deposit benefit payments monthly to all ERS retirees and beneficiaries once a month. I appreciate the efforts of the Chairs of Labor and Finance to address concerns by retirees and beneficiaries for a transition period that helps them cope with and plan for any hardships from the revised payment schedule.

"Under this measure, by March 1, 2011, approximately 25,700 pensioners and beneficiaries out of 38,000 will be paid by the ERS on a monthly rather than on a semimonthly basis. In addition, approximately 1,400 of these recipients will have their benefit payments deposited directly into a financial institution instead of receiving paper checks.

"As a result, ERS will save costs for postage, check printing, check imaging, and bank fees, and will also increase the ERS' investment earnings. The ERS estimates that this proposal will add approximately $955,000 annually to ERS' bottom line which ultimately benefits all ERS retirees and beneficiaries.

"Out of the 50 State retirement systems in the country, Hawaii is the only retirement system that continues to process pension benefits on a semimonthly rather than on monthly basis.

"I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2691, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1212-10) recommending that S.B. No. 2054, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2054, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1213-10) recommending that S.B. No. 2502, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2502, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1215-10) recommending that S.B. No. 2702, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2702, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1216-10) recommending that S.B. No. 2601, SD 1, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2601, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1217-10) recommending that S.B. No. 2187, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2187, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Berg voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1219-10) recommending that S.B. No. 2758, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1220-10) recommending that S.B. No. 2863, SD 2, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2863, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 2863, SD 2, HD 2. The purpose of this bill is to expand the existing tax lien and encumbrance record statute to assist State and county agencies in recovering moneys owed for outstanding judgments by encumbering vehicle titles of any debtor that has an outstanding judgment payable to the State or a county. This bill will also require the payment of judgments owed to the State or a county as a condition precedent to the vehicle's renewal, registration, or transfer of ownership. This bill also includes a provision to exempt State or county agencies from paying the statutory fee of $5 for each recordation.

"The encumbrance of motor vehicle titles will strengthen the ability of State and county agencies to recover monies for outstanding judgments owed to any State or county agency. By requiring the payment of outstanding judgments payable to the State or a county before the renewal, registration, or transfer of ownership of the debtor's vehicle, debtors will be encouraged to repay debts owed to State or county agencies.

"Also, the statutory fee of $5 per recordation is hindering some agencies from using the statute to assist in the recovery of outstanding debts owed to the agency. Waiving the $5 fee will encourage more State and county agencies to use this recovery tool. This bill allows for only actual judgments obtained by the State or counties, in order to satisfy any due process issues, since such judgments are rendered only after ample notice and opportunity to be heard have already been given.

"Finally, the bill also gives government agencies discretion to settle *manini* judgments for a certain period of time to avoid clogging up our busy judicial system with actions, motions and petitions to re-open judgments of $500 or less. I realize that the Judiciary testified that it prefers to require judgment debtors to incur the time, costs and expenses of such litigation rather than sparing the calendars of their district court judges from such claims. Obviously, even in times of budget challenges, we should usually leave it to our separate co-equal branches of government to apply their own sense of how best to use their scare resources. It simply seems that judges should have more important cases to resolve than relitigating parking ticket judgments of less than $500.

"I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2863, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1221-10) recommending that S.B. No. 2201, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1224-10) recommending that S.B. No. 2942, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2942, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1226-10) recommending that S.B. No. 2019, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2019, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Berg and Ward voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1227-10) recommending that S.B. No. 2440, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1231-10) recommending that S.B. No. 2385, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2385, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Berg voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1232-10) recommending that S.B. No. 2600, SD 2, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2600, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

THIRD READING

S.B. No. 2154, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

S.B. No. 2472, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2472, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

S.B. No. 2532, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

S.B. No. 2547, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

S.B. No. 2695, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2695, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 9:18 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2701, SD 1, HD 1
S.B. No. 2325, SD 1, HD 2
S.B. No. 2770, SD 1, HD 2
S.B. No. 633, SD 1, HD 2
S.B. No. 107, HD 2
S.B. No. 2597, HD 1
S.B. No. 2607, SD 2, HD 1
S.B. No. 2545, SD 2, HD 2
S.B. No. 2775, SD 1, HD 2
S.B. No. 2399, SD 1, HD 1
S.B. No. 2809, SD 2, HD 1
S.B. No. 2117, SD 1
S.B. No. 2122, SD 1
S.B. No. 2172, SD 2, HD 1
S.B. No. 2257, SD 2, HD 1
S.B. No. 2709, SD 1, HD 3
S.B. No. 2544, SD 2, HD 1
S.B. No. 2563, SD 1, HD 2
S.B. No. 506, SD 1, HD 3
S.B. No. 2139, SD 2, HD 2
S.B. No. 2831, SD 1, HD 1
S.B. No. 2389
S.B. No. 2649, SD 2
S.B. No. 2386, HD 1
S.B. No. 2599, SD 2, HD 2
S.B. No. 2729, SD 2, HD 1
S.B. No. 2885, SD 2, HD 1
S.B. No. 2611, SD 2, HD 2
S.B. No. 910, SD 1, HD 2
S.B. No. 2716, SD 2, HD 2
S.B. No. 2150, HD 1
S.B. No. 2116, SD 2, HD 2
S.B. No. 2050
S.B. No. 2323, HD 2
S.B. No. 2691, SD 1, HD 1
S.B. No. 2054, SD 2, HD 1
S.B. No. 2502, SD 1, HD 1
S.B. No. 2702, SD 2, HD 1
S.B. No. 2601, SD 1, HD 2
S.B. No. 2187, SD 1, HD 2
S.B. No. 2758
S.B. No. 2863, SD 2, HD 2
S.B. No. 2201, SD 1, HD 1
S.B. No. 2942, SD 2, HD 2
S.B. No. 2019, SD 1, HD 2
S.B. No. 2440, HD 2
S.B. No. 2385, SD 1, HD 1
S.B. No. 2600, SD 2, HD 2
S.B. No. 2154, SD 1, HD 1
S.B. No. 2472, SD 2, HD 1
S.B. No. 2532, HD 1
S.B. No. 2547, SD 1, HD 1
S.B. No. 2695, SD 1, HD 1

At this time, the Chair stated:

"Members, with your indulgence, the Chair would like to recommend that if there are any floor amendments that you would like to propose today, if you could please submit your amendments now so that both the Majority and Minority can go into caucus on those proposed floor amendments."

At 9:18 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:29 o'clock a.m.

ORDINARY CALENDAR

THIRD READING

At this time, the Chair stated:

"Before I begin, let me thank you all for your patience and your indulgence on the proposed floor amendments that are before us. We are at this time, Members of the House, on page 10 of the Order of the day.

"Members of the House, please turn to page 22 for the first floor amendment, which is Floor Amendment No. 7, by Representative Brower, on S.B. No. 2402, on page 22."

S.B. No. 2402, SD 1, HD 1:

Representative B. Oshiro moved for the adoption of S.B. No. 2402, SD 1, HD 1, seconded by Representative Evans.

Representative Brower moved for the adoption of the floor amendment, and requested a roll call vote at the appropriate time, seconded by Representative Wakai.

At 10:30 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:30 o'clock a.m.

At this time, the Chair stated:

"The Chair recognizes Representative Blake Oshiro for the proper motion. Please state it once more."

Representative B. Oshiro moved that S.B. No. 2402, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

At this time, Representative Brower offered Floor Amendment No. 7, amending S.B. No. 2402, SD 1, HD 1, as follows:

"SECTION 1. S.B. No. 2402, S.D. 1, H.D. 1, RELATING TO TAXATION, is amended by amending section 2 to read as follows:

SECTION 2. Chapter 237, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"**§237-A Temporary suspension of exemption of certain amounts; levy of tax at one per cent rate.** (a) Notwithstanding any other law to the contrary, the exemption of the following amounts from taxation under this chapter shall be suspended from July 1, 2010, through June 30, 2015:

(1) Amounts deducted from the gross income received by contractors as described under section 237-13(3)(B);

(2) Reimbursements received by federal cost-plus contractors for the costs of purchased materials, plant, and equipment as described under section 237-13(3)(C);

(3) Gross receipts of home service providers acting as service carriers providing mobile telecommunication services to other home service providers as described under section 237-13(6)(D);

(4) Amounts deducted from the gross income of real property lessees because of receipt from sublessees as described under section 237-16.5;

(5) The value or gross income received by nonprofit organizations from certain conventions, conferences, trade shows, or display spaces as described under section 237-16.8;

(6) Amounts received, charged, or attributable to services furnished by related entities or the imputed or stated interests of related entities as described under section 237-23.5(a);

(7) Amounts received by common paymasters and disbursed as employee compensation or benefits as described under section 237-23.5(b);

(8) Amounts received by sugarcane producers as described under section 237-24(14);

(9) Amounts received by cooperative housing corporations from shareholders as reimbursement for expenses as described under section 237-24(16);

(10) Amounts received from the loading, transportation, and unloading of agricultural commodities shipped interisland as described under section 237-24.3(1);

(11) Amounts received from the sale of intoxicating liquor, cigarettes and tobacco products, and agricultural, meat, or fish products to persons or common carriers engaged in interstate or foreign commerce as described under section 237-24.3(2);

(12) Amounts received or accrued from the loading or unloading of cargo as described under section 237-24.3(4)(A);

(13) Amounts received or accrued from tugboat and towage services as described under section 237-24.3(4)(B);

(14) Amounts received or accrued from the transportation of pilots or government officials and other maritime-related services as described under section 237-24.3(4)(C);

(15) Amounts received by labor organizations for real property leases as described under section 237-24.3(10);

(16) Amounts received as rent for aircraft or aircraft engines used for interstate air transportation as described under section 237-24.3(12);

(17) Amounts received by exchanges and exchange members as described under section 237-24.5;

(18) Amounts received by hotel operators or suboperators and disbursed for employee compensation and benefits as described under section 237-24.7(1) in the form in which it exists on July 1, 2010;

(19) Amounts received by operators of orchard properties and disbursed for employee compensation and benefits as described under section 237-24.7(4);

(20) Amounts received by management companies from related telecommunications services common carriers and disbursed for employee compensation and benefits as described under section 237-24.7(9);

(21) Amounts received as high technology development grants as described under section 237-24.7(10);

(22) Amounts received by the Hawaii convention center operator as reimbursements of costs or advances as described under section 237-24.75(2);

(23) Amounts received by professional employment organizations from client companies and disbursed for employee benefits and compensation as described under section 237-24.75(3);

(24) Amounts received from the servicing and maintenance of aircraft or construction of aircraft service and maintenance facilities as described under section 237-24.9;

(25) Gross proceeds received from the sale of tangible personal property to the United States and state-chartered credit unions as described under section 237-25(a)(3);

(26) Gross proceeds, including any proceeds or income from scientific contracts, as more fully described under section 237-26;

(27) Amounts received by petroleum product refiners from other refiners for further refining of petroleum products as described under section 237-27;

(28) Gross proceeds received from the construction, reconstruction, erection, operation, use, maintenance, or furnishing of air pollution control facilities, as described under section 237-27.5, that do not have valid certificates of exemption on July 1, 2010;

(29) Gross proceeds received from shipbuilding and ship repairs as described under section 237-28.1;

(30) Gross income received from the planning, design, financing, construction, sale, or lease of affordable housing projects, as described under section 237-29(a), that do not have valid certificates of exemption or approval under section 46-15.1 or 201H-36 on July 1, 2010;

(31) Gross income received by nonprofit or limited distribution mortgagors for low- and moderate-income housing projects, as described under section 237-29(b), that were not certified or approved under section 46-15.1 or 201H-36 on or before July 1, 2010;

(32) The value of or gross proceeds received from tangible personal property shipped out of the state as described under section 237-29.5;

(33) The value of or gross income received from contracting or services performed for use outside the state as described under section 237-29.53;

(34) Gross proceeds or gross income received from the sale of tangible personal property imported for subsequent resale at wholesale as described under section 237-29.55;

(35) Amounts received by telecommunications common carriers from call center operators for interstate or foreign telecommunications services as described under section 237-29.8; and

(36) Gross proceeds received by qualified businesses in enterprise zones, as described under section 209E-11, that do not have valid certificates of qualification from the department of business, economic development, and tourism on July 1, 2010.

(b) Except as otherwise provided under subsection (d), there is levied, assessed, and collected annually against the persons under subsection (a), a tax at the rate of one per cent on the previously exempt gross income or gross proceeds of sale.

As used in this section, "previously exempt gross income or gross proceeds of sale" means the amount of the gross income or gross proceeds of sale, the exemption for which is suspended under subsection (a). The term also includes the following:

(1) The value received by a nonprofit organization from conventions, conferences, trade show exhibits, and display spaces, the exemption for which is suspended under subsection (a)(5);

(2) The value of tangible personal property shipped out of the state, the exemption for which is suspended under subsection (a)(32); and

(3) The value of contracting or services performed for use outside the state, the exemption for which is suspended under subsection (a)(33).

The persons exempted under subsection (a), against whom the tax is levied and assessed under this section, shall be responsible for payment of the tax to the director of taxation.

(c) Notwithstanding section 237-8.6, no county surcharge shall be levied, assessed, or collected on any previously exempt gross income or gross proceeds of sale that is subject to taxation under subsection (b).

(d) This section shall not apply to gross income or gross proceeds from binding written contracts entered into prior to July 1, 2010, that do not permit the passing on of increased rates of taxes.

(e) The provisions of this chapter shall apply to the payment, collection, enforcement, and appeal of the tax levied under this section.

The director of taxation may establish additional requirements, procedures, and forms pursuant to rules adopted under chapter 91, to effectuate this section.

§237-B Information reporting. The director shall require information reporting on all exclusions or exemptions of all amounts, persons, or transactions from this chapter, except for the following:

(1) Amounts received that are exempt under section 237-24(1) through (7);

(2) Amounts received by persons exempt under section 237-23(a)(3) through (6); provided that such person is exempt from filing federal Internal Revenue Service Form 990 or Form 990-EZ; and

(3) Any other amounts, persons, or transactions as determined by the director in the best interest of tax administration and made by official pronouncement.""

Representative Brower moved that Floor Amendment No. 7 be adopted, and requested a roll call vote at the appropriate time, seconded by Representative Wakai.

Representative Brower rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. And thank you, Members. Mr. Speaker, Senate Bill 2402, SD 1, HD 1, this amounts to a 1% general excise tax increase to about 37 transactions which previously were exempt. I'm very concerned about one of these items which is item number 12 on page 3.

"What that item does is, it now takes out the exemption for the condominium maintenance fees, as well as potentially homeowners' fees that are paid to their association. I believe that this will be very detrimental if we leave this part of the bill in.

"Essentially in regards to a condominium maintenance fee which goes for the cost of insurance, water, sewer, property taxes, employees, as well as scheduled repairs. We have condominium owners paying the condominium boards, so essentially condominium owners paying other owners who are on the board.

"I think that it might be illogical and set bad policy to tax that money as it goes from one hand to the other. I know that a lot of associations of apartment owners, although they're incorporated or unincorporated, technically they're a non-profit organization.

"And currently by living in a condominium, I believe you're already paying your fair share of taxes. When you're in a building that's vertical as opposed to horizontal like in a planned community, you have much less wear and tear on the infrastructure, as well as other environmental resources. My building has 38 floors with 12 units on each floor. Conservatively, it houses over 900 people. Imagine the strain if those people all lived in houses.

"Mr. Speaker, it's for these reasons, as well as other reasons that I have put on all Members' desk today in the form of a yellow paper which was Xeroxed, front and back, that I offer this amendment. Thank you."

Representative Belatti rose in support of the proposed floor amendment and asked that the remarks of Representative Brower be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, many will recall that I enumerated 15 job killer bills. The mother ship of this amendment is job kill number 14. The unfortunate thing is that this legitimizes otherwise a real bad policy, taxing non-profits. We're trying to make it look good by taking out homeowners' associations. That's equivalent of, I would say Mr. Speaker, 'putting lipstick on a pig' or trying to pull out a sliver when you've got a dagger already in the heart. These are job killer bills. They should be known for what they're actually intended to do. This is just a gesture without substance. Thank you."

Representative Takai rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. The introducer of this floor amendment mentioned a yellow paper and I'd like to request that we insert this into the Journal with your permission. Thank you, Mr. Speaker."

Representative Takai submitted the following information distributed by Representative Brower:

"**BILL DESCRIPTION:** S.B. 2402, S.D.1, H.D.1 amounts to a 1% general excise tax to 37 "transaction" classes, which previously were exempt.

FLOOR AMENDMENT is to specifically exclude only one of the many classes of individuals the current bill would tax: condominium maintenance fees – home-owners fees.

How will this affect homeowners in the future? Would we start taxing rent for people who live in private communities and homeowners associations? What will they think?

THE ISSUE:

Condominium fees (costs for insurance, water, sewer, property tax, employees, scheduled repairs) are fees paid by condominium owners to their condominium boards. This is essentially money they are paying to themselves; it would be illogical and bad policy to tax money that goes from one hand to the other.

Association of Apartment Owners (AOAO)s are typically incorporated or unincorporated non-profit organizations. By virtue of their "**non-profit**" organizational status, maintenance fees should be exempted from the General Excise Tax as these monthly fees are *not* income. Should the current bill pass, it could open up to legal challenges.

CONDO BENEFITS:

- Condominiums already pay for more than their fair share of taxes by building vertically as opposed to horizontally (like planned home communities).
Imagine 500 homes versus 500 condominium units.

- It saves on infrastructure (such as sewers and road) and environmental resources. Many buildings use private trash collection and private security.

My building has 38 floors with 12 units on each floor. It conservatively houses 812 people. Imagine the environmental strain of the same number of people in houses.

CURRENT CONDO HARDSHIPS:

- Many unit owners are elderly, on fixed incomes or younger couples in their first homes.

- In addition, this State has seen an increase in **delinquencies** in maintenance fees and foreclosures. Once an AOAO exceeds 10-15% in delinquencies, most lenders will not approve lender financing for the unit in the condominium development. The reasoning behind this is because lending underwriting sees "high" delinquencies as high-risk, thereby, limiting the pool to only cash buyers and further hampering the AOAO's ability to operate.

More Detailed information:

SB 2402, S.D.1, H.D.1 would require cooperative housing corporations and condominium projects to pay 1% GET per annum for the next 5 years on the fee collected by the Board or homeowners association in reimbursement of sums paid for common expenses such as maintenance fees.

The following recession-driven factors will be exacerbated by this GET increase:
High Delinquency Rates are created by unpaid maintenance fees as a result of residents who have been laid off or furloughed → This creates deficits that require co-ops/ condo's to raise maintenance fees in the following years.

Hawaii is experiencing one of its highest levels of *foreclosures*. If the foreclosures or delinquency rates are too high in a particular building— or the reserves too low— the local lenders will not give mortgages to any prospective buyer in that building. Only cash buyers will be allowed to buy. This has adverse consequences in the real estate market.

Additionally, the co-op/ condo would lose their insurance coverage. This exposes them to various risks they cannot afford.

Most co-op and condo buildings were built in the 1960's and 1970's and are in need of *repairs*:

- Spall repairs for concrete buildings to fix corrosion → $1M+
- Antiquated plumbing
- Roof
- Parking Deck
- Elevator modernization

Many leasehold co-ops and condo are in the process of *rent re-negotiations* or have recently completed rent re-negotiations (which typically occur after 25-30 years from the lease inception). For example, a resident at Discovery Bay informed me that her lease rent increased from $232 to almost $1800 for the quarter. Now, in addition to the increased lease rent, leasehold unit owners will be burdened by the 1% tax and possible future increases.

Reduced value of the property: Finally, due to the maintenance fee delinquencies, co-ops and condos have had to cut back on services to their residents; lay off or terminate employees; and put off or delay current maintenance and repair projects.

Thank you for considering this amendment."

Representative Finnegan rose to speak in support of the proposed floor amendment with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations. Thank you, Mr. Speaker. I have strong reservations, not because I don't necessarily like the amendment, but because of the underlying bill. I will be with strong reservations on the underlying bill. I think if it does make it at least a little bit better, then I will be voting to support this with reservations. Thank you."

Representative Herkes rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, we've said many times on this Floor that in order to balance the budget we need to keep everything on the table. We need to send a complete package into Conference and then decide what's going to happen. The only vote that matters is the final vote. Thank you."

Representative Chong rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. First, I'd like to reiterate the words of the Representative from the Big Island. This is one of many tools to balance our large deficit that we are facing. I understand the concerns of the Representatives from the Kakaako area and Waikiki. I think a lot of these concerns can be dealt with in Conference. I think we need to move the bill forward to continue the discussion and work things out so that we can end with a balanced budget. Thank you."

Representative Ching rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. First of all, I'd like to ask for a ruling on a potential conflict. I live in a condominium and serve on two condominium boards. Thank you," and the Chair ruled, "no conflict."

Representative Ching continued in support of the proposed floor amendment with reservations, stating:

"I too have reservations on this particular amendment. I'm for the amendment of helping the condominiums, as I do live in one and pay maintenance fees, but I'm against the underlying bill. Thank you."

Representative M. Lee rose to speak in opposition to the proposed floor amendment, stating:

"In opposition, Mr. Speaker. To save time, I'd like the words of the Representative from Kaneohe and the Representative from the Big Island placed in the Journal as my own."

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to request a ruling on a potential conflict. I'm a member of the Board of Directors of my condo. Thank you," and the Chair ruled, "no conflict."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you Mr. Speaker, a potential conflict. I live in a planned community association on Maui," and the Chair ruled, "no conflict."

Representative McKelvey continued in opposition to the proposed floor amendment, stating:

"In opposition, and I'd like to adopt the words of the speaker from Ka'u as well as the Windward side of Oahu as if they were my own. And I just wanted to say a few words, if I may? There are a lot of these bills that I personally don't like or agree with, but I support them to move them along because, as the previous speaker said, we need to have all the options available for Conference to attack this $1.3 billion deficit, to provide services for the seniors and for the *keiki*.

"Now here's the thing I would hope that the movant would remember. Would you rather take something that is exempt, not raising the GET because they're exempt, and put 1% on it? Or would you rather have us go down the road of a GET increase? Or worse, in the case of the condominium owners, taking the TAT away from the counties, thereby leading to increased property taxes.

"That's the perspective I hope that people will keep in mind as we move these measures forward. Let's keep the tools for the tool chest available for Conference, but let's look at the big picture. 1% on something that was previously exempt, or a massive GET raise, take away the TAT from the counties, and have your property taxes go way up. Thank you, Mr. Speaker."

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict. I'm a member of the Waialae Iki Ridge Community Association," and the Chair ruled, "no conflict."

Representative Evans rose to disclose a potential conflict of interest, stating:

"I'd like a ruling on potential conflict. I live in a planned community association," and the Chair ruled, "no conflict."

Representative Evans continued in opposition to the proposed floor amendment and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I would ask for the same ruling on a potential conflict," and the Chair ruled, "no conflict."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you. I would like a ruling on a potential conflict. I'm a renter in a condominium," and the Chair ruled, "no conflict."

Representative Yamane rose and stated:

"Can I ask a brief question, Mr. Speaker? Personal privilege. Can we ask for a ruling on everybody who lives in a planned association, rather than one by one?"

The Chair responded, stating:

"That's okay. Asking one by one is the proper way."

Representative Yamane rose to disclose a potential conflict of interest, stating:

"Can I ask for a potential conflict because I live in a planned association as well? Thank you," and the Chair ruled, "no conflict."

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I live in a planned community association with subassocations. I also am the president of a condo association that we rent out. Thank you," and the Chair ruled, "no conflict."

Representative Manahan rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I too live in a condominium," and the Chair ruled, "no conflict."

Representative Manahan continued in opposition to the proposed floor amendment, stating:

"Thank you. I will be opposing the floor amendment right now, but again, I think we do need all the tools and we need to be able to have the discussion in Conference. Thank you."

Representative Berg rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of this amendment and in light of the fact that there are so many potential conflicts in this Chamber, perhaps it is worth noting that this amendment might actually address those conflicts.

"In addition, if this is really all about going to Conference, perhaps the floor amendment will give our Finance Committee and the Committee members in Conference more leverage, or more creative options to make the bill really strong when it comes out. Thank you."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I get a ruling on a potential conflict. I too live in a planned community association," and the Chair ruled, "no conflict."

Representative M. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise to speak against this amendment. Just a couple of points that have not been made. The underlying bill does contain certain exemptions from the general excise tax. This one in particular, according to the last three Tax Review Commissions which are nonpartisan review commissions, they pointed out repeatedly for us to review these exemptions to see whether or not they make sense in this day and age.

"This particular one that we're looking at in this amendment here has been in existence since the 1990s. So they haven't been paying any of the GET. This merely would impose a 1% tax upon the condominiums for a period of just 5 years to 2015, and then it will sunset. So 1% for five years. They haven't been paying the 4% for over 20 years. Just to put things in perspective. Thank you, Mr. Speaker."

Representative Wakai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like to get a ruling on a potential conflict. I too also live in a condo and pay maintenance fees," and the Chair ruled, "no conflict."

Representative Wakai continued in support of the proposed floor amendment, stating:

"I rise in support of this amendment. This particular amendment is addressing double taxation. The moneys that are going into maintenance fees are already being used to pay for services which are then taxed at that 4.5%.

"So when people say they are leaving things on the table, this is actually creating a separate table. So we're keeping too many items and in this particular case we're removing a table that we're creating which allows for this double taxation which I find is unfair to those who live in condos and planned community associations. Thank you, Mr. Speaker."

Representative Brower rose to respond, stating:

"Thank you, Mr. Speaker. Just a few brief remarks to answer some of the questions that we've heard on this issue. Still in strong support. By removing one of these 37 previous exemptions, we are keeping this vehicle in place.

"My concern is that I need to vote on what's in front of me and this has a clean date, going into effect July 1st, 2010. I don't know the future of this after it leaves this Body, and my concern is the maintenance fees and homeowner fees that now will get taxed. Currently they're taxed when these fees are spent, but now they'll be taxed when they're going into the pot being ready to be spent. Those are my concerns. Thank you."

Representative Chang rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict. I own a hotel condo in Waikiki," and the Chair ruled, "no conflict."

Representative Sagum rose to disclose a potential conflict of interest, stating:

"I also would like a ruling on a potential conflict. I am part of a homeowner's association on Kauai. Thank you," and the Chair ruled, "no conflict."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, since everybody else is rising asking for a ruling of a potential conflict, I too would like to do the same. I own several properties in planned communities and condominiums. Thank you," and the Chair ruled, "no conflict."

Representative Finnegan rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. I do own a condo. I do not live in it, but I do own a condo," and the Chair ruled, "no conflict."

Representative Finnegan continued in support of the proposed floor amendment, stating:

"May I just give additional comments please. Short comments. Mr. Speaker, I do agree with keeping things alive and seeing what we can do in Conference, but I do have to agree with this particular floor amendment. For the most part, the majority of these costs that are in the homeowners' association dues or condo dues are either insurance, water, sewer, or whatever. If we do raise the taxes on that, we're basically raising the taxes for sewer, water, insurance and those types of things on these homeowners or people who own condos and townhouses.

"Mr. Speaker, the Finance Chair did mention how the Tax Review Commission was looking at reviewing these exemptions and I definitely think that that's what this bill does. This bill brings it to the table so that we can review them, and I think it's proper for all of us in the House to vote on whether or not we think that this tax increase should go forward on these condos and homeowners. Thank you."

Representative Karamatsu rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict? I own a property in a planned community. Thank you," and the Chair ruled, "no conflict."

Representative Aquino rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I have the same potential conflict as the previous speaker. Thank you," and the Chair ruled, "no conflict."

The request of roll call was put to vote by the Chair and upon a show of hands, the request was approved.

Roll call having been approved, the motion that Floor Amendment No. 7, amending S.B. No. 2402, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," be adopted, was put to vote by the Chair and failed to carry on the following show of Ayes and Noes:

Ayes, 15: Belatti, Berg, Brower, Ching, Finnegan, C. Lee, Luke, Marumoto, Nishimoto, Pine, Rhoads, Saiki, Takai, Thielen and Wakai.

Noes: 35: Aquino, Awana, Bertram, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Har, Herkes, Ito, Karamatsu, Keith-Agaran, M. Lee, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, B. Oshiro, M. Oshiro, Sagum, Say, Shimabukuro, Souki, Takumi, Tokioka, Tsuji, Ward, Wooley, Yamane and Yamashita.

Excused, 1: Hanohano.

(Main Motion)

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am going to be voting with severe reservations. I understand what the Representative from Ka'u said, but it's very difficult in this economic time to pass a measure like this. I will wait to see what comes out of Conference Committee, but please have the Clerk note my very serious reservations. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. In reference to some of the previous speeches on the amendment, I do want to address that it doesn't matter whether you increase the 1% tax or take this 1% deduction away from people. It's a tax increase and that's why I'm in opposition to it.

"We keep talking about how we're going to figure this out in Conference Committee. Well, I came here to represent the people of my community, District 43 in Ewa Beach. And this bill only went to the Finance Committee, and now people are saying that they don't want us to give input on how we feel. We want to leave it up to just a few members of the Conference Committee to decide which of these tax increases we should include for these different groups.

"This includes a 1% tax increase now on condominium maintenance fees and homeowner fees, which would affect almost 60% of the people in my community. It would increase a 1% tax on the gross income of real property leases. It would increase taxes on home service providers, which is a big community in my community that try to help a lot of people. So it just goes on, and on, and on. I just wish that we could all somehow be more a part of the process to choose which ones are good and which ones are bad, and which ones are no longer valid, according to the Finance Chair. So for those reason I vote no."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, I too was elected by my constituents from Wahiawa, Whitmore Village, Launani Valley to represent their interests. I believe that this measure advances their interests in several respects.

"I'll just touch upon five points in this measure and what this measure does. It removes various exemptions from the general excise tax, use tax, and public service company tax. This is our alternative to raising the general excise tax, Mr. Speaker.

"Number two, this bill asks those who are not paying taxes, to support everyone else who is paying taxes. In other words for those who have been subsidizing these people not paying the general excise taxes, whether it's 10, 20, or 30 years.

"Mr. Speaker, Members should keep in mind that we're asking these entities to pay 1% on the dollar. One penny on the dollar. We're asking for 1% in taxes when everybody else is paying 4% on the Neighbor Islands or 4.5% on Oahu.

"Number three, Mr. Speaker, three prior Tax Review Commissions, nonpartisan, not affiliated with either Party, have recommended that exemptions in the Tax Code should be periodically revisited to determine if they are still needed. Those books and reports are available online for anybody to see 24/7, or maybe at their library.

"Mr. Speaker, in most cases, my staff tried to ascertain the public policy or purpose of the exemptions, and for many of these they are hard to determine.

"Number four, most of these have been on the books for 20, or 30 years. We should look at them. I invite any Member of this Body, and the listening public to contribute to this discussion as we proceed for the next four weeks.

"And finally, Mr. Speaker, this is basically an issue of parity and fairness. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I vote with reservations. I would vote no on this issue, but I know that we need this money to balance the budget. But I want to send a message out that we should be looking at this particular issue.

"It's not a transaction, these maintenance fees. It's money that's kept in trust from the tenants and put into a fund. When it's needed, it's used. If this was an exchange for a good or for a service, then certainly it should have a tax. But this is just a fund that's put in a reserved fund for future use for the maintenance of condominiums. So it makes no sense at all to tax that.

"I know we have been doing it in the past. I believe that we need to look at this kind of pass through money, that they are not taxed, and should not be taxed. For this, I will vote with strong reservations on this measure, but I accept the premise from the Chair of Finance that we need to provide money at this point to balance the budget. For this reason I support the bill, but with strong reservations."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have strong reservations. I'd also like to adopt the words of the previous speaker as my own, and just short words.

"Mr. Speaker, I do agree that we should review all of the 37 transactions that are in this particular bill. With the help of the Representative from Waikiki, we got some really good information on this particular issue of condos and town homes and homeowners association fees. As I explained before, the majority of that is like what the Representative from Maui has just stated.

"My thought on this, Mr. Speaker, is that we should go over a review. I vote with serious reservations because I don't want to see other types of transactions covered by this bill taxed more. I think many of them in there would be a situation where you would be raising taxes on things like this, where they're just holding onto the money, they're not necessarily having an actual transaction.

"Mr. Speaker, it's kind of like, if I were to give to my husband a rent check, or give it to my aunt. Can you go and make this water payment for me? And then the State says, 'Okay, well then we're going to tax you this 1%.' It's very similar to that because we're giving that money, whether it be an insurance payment, or a water payment, or a property tax payment. We are taxing these homeowner associations upon that transaction, and all they're doing is paying it on our behalf for the ease of the homeowner association. Thank you, Mr. Speaker."

Representative Brower rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition with comments inserted into the Journal, and may I please have the Representative from Wailuku's words inserted as if they are my own. I feel it's better late than never. Thank you."

Representative Brower submitted the following written remarks which were distributed to the Members of the House:

"**BILL DESCRIPTION:** S.B. 2402, S.D.1, H.D.1 amounts to a 1% general excise tax to 37 "transaction" classes, which previously were exempt.

FLOOR AMENDMENT is to specifically exclude only one of the many classes of individuals the current bill would tax: condominium maintenance fees – home-owners fees.

How will this affect homeowners in the future? Would we start taxing rent for people who live in private communities and homeowners associations? What will they think?

THE ISSUE:

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CONDO BENEFITS:

- Condominiums already pay for more than their fair share of taxes by building vertically as opposed to horizontally (like planned home communities).
Imagine 500 homes versus 500 condominium units.

- It saves on infrastructure (such as sewers and road) and environmental resources. Many buildings use private trash collection and private security.

My building has 38 floors with 12 units on each floor. It conservatively houses 812 people. Imagine the environmental strain of the same number of people in houses.

CURRENT CONDO HARDSHIPS:

- Many unit owners are elderly, on fixed incomes or younger couples in their first homes.

- In addition, this State has seen an increase in **delinquencies** in maintenance fees and foreclosures. Once an AOAO exceeds 10-15% in delinquencies, most lenders will not approve lender financing for the unit in the condominium development. The reasoning behind this is because lending underwriting sees "high" delinquencies as high-risk, thereby, limiting the pool to only cash buyers and further hampering the AOAO's ability to operate.

More Detailed information:

SB 2402, S.D.1, H.D.1 would require cooperative housing corporations and condominium projects to pay 1% GET per annum for the next 5 years on the fee collected by the Board or homeowners association in reimbursement of sums paid for common expenses such as maintenance fees.

The following recession-driven factors will be exacerbated by this GET increase:
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any prospective buyer in that building. Only cash buyers will be allowed to buy. This has adverse consequences in the real estate market.

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- Roof
- Parking Deck
- Elevator modernization

Many leasehold co-ops and condo are in the process of *rent re-negotiations* or have recently completed rent re-negotiations (which typically occur after 25-30 years from the lease inception). For example, a resident at Discovery Bay informed me that her lease rent increased from $232 to almost $1800 for the quarter. Now, in addition to the increased lease rent, leasehold unit owners will be burdened by the 1% tax and possible future increases.

Reduced value of the property: Finally, due to the maintenance fee delinquencies, co-ops and condos have had to cut back on services to their residents; lay off or terminate employees; and put off or delay current maintenance and repair projects.

Thank you for considering this amendment."

Representative Sagum rose to speak in support of the measure with reservations, stating:

"With reservations, Mr. Speaker. And I'd like the great words from the great Representative from Maui included in the Journal as my own. Thank you." (By reference only.)

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am also in opposition and I ask that the words of the Representative from Ewa Beach be entered as my own. As well as, I'd like to request that the yellow sheet distributed by the Representative from Waikiki be entered into the Journal." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong opposition to S.B. 2402, Relating to Taxation. As we are all aware, Hawaii is suffering through one of the worst economic downtowns in its history. Adding this additional excise tax burden on nonprofit community associations will merely prolong the current real estate problems, as well as make condominium ownership less affordable. This tax is not only bad for the economy, it also hurts the elderly, many of who are on fixed incomes and would further struggle to pay this tax.

"This tax inhibits business, taxing amounts received from the loading, transportation, and unloading of agricultural commodities that are shipped interisland. It is business that keeps our struggling economy afloat. Imposing a tax on the transportation of agricultural commodities will only further strain the already struggling businesses.

"For all of these reasons, Mr. Speaker, I strongly oppose S.B. 2402. Thank you."

Representative Wooley rose in support of the measure with reservations and asked that her written remarks and the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Wooley's written remarks are as follows:

"The goal of this bill is to eliminate tax loopholes which serve no legitimate purpose and to make sure all corporate and special interests doing business in the State bear their fair share of State taxes.

"Most businesses in Hawai'i must pay over 4% on every transaction. In contrast, many of the interests included in this exemption bill have paid no tax for long periods of time because they were able to get a special tax exemption at one time or another.

"In the future, if and when the Legislature grants a tax credit or exemption, the public purpose should be specified, there should be methods in place to assure transparency and accountability for the exemption or credit, and there should be a time limit imposed so that the Legislature is required to occasionally review the policy and reauthorize the exemption or credit only if it continues to serve a legitimate purpose.

"While I support this bill, I do believe it should be narrowed so that condominium owners need not pay an additional tax for maintenance fees and paymasters need not pay a 1% tax multiple times. There may be other examples in this bill where there is a legitimate purpose for the tax exemption, and as the bill moves forward, I expect it will be narrowed to address this issue."

Representative Berg rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I should have stood up earlier to ask for a potential conflict ruling. My 90 year old mother lives in a condo, and my brother and I are responsible for those maintenance fees. Thank you," and the Chair ruled, "no conflict."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am opposed to this measure. This bill, my understanding, will hit all nonprofits. I think it includes all schools, and churches, and Boy Scouts, and YWCA, and Salvation Army, and all entities that are nonprofit. I think some of the hospitals, too. I think there'll be a hue and cry. The alternative is not the increase in the general excise tax. The alternative is to cut government spending wherever possible, and I think we have not made enough of an effort in this area. Thank you."

Representative Awana rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. Will the Finance Chair yield to a question please? Thank you. I've been going over the language in the bill and I don't see any impact on nonprofits with the exception of subsection 5 which is the value or gross income received by nonprofit organizations from certain conventions, conferences, trade shows, or display spaces. And could the Finance Chair tell me is there any other impact on the nonprofits?"

Representative M. Oshiro responded, stating:

"Thank you, Mr. Speaker. Thank you, Representative Thielen, I would like to respond. Yes, that is correct. There is no tax being imposed upon nonprofits, hospitals, churches, etc. in this bill. It never was the intention, and none of the drafts contained any of those tax provisions. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support of the measure. As an owner of condominiums, as well as planned community properties, I'm very aware of what is being charged on those maintenance fees. There's a whole lot of services that are included in those maintenance fees.

"First and foremost, Mr. Speaker, are legal fees. Also landscaping fees, and paving fees. I believe that those services need to be taxed.

"While it's true that they pay for water and sewer, I think what we need to consider in the future as a result of this, is to separate those essential services that are passed through, as opposed to those contracted services that are under the maintenance fees. Thank you, Mr. Speaker."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I just wanted to say that it was hard for me to believe that anybody still thought nonprofits were included in this bill because we've gone over, and over, and over this, but that's another thing.

"What we are getting rid of is many tax exemptions that are given to special interests. Special interests. That's what has been in the recommendations of the Tax Review Commission for years, and years, and years. We're doing the right thing, and I support this bill strongly. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you. I appreciate the Representative from Kailua asking that question of the Finance Chair. I hope that the bill does not morph into something a little bit more dangerous than nonprofits. I don't know what the initial intent was, but my understanding it was to tax nonprofits like Girl Scout cookies and other things like that. So I hope that in Conference that you will hold the line on this. I have not seen the Senate version, but I am not a member of your Committee. Thank you for the information."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With strong reservations, and just to add a few comments. I do support the 1% increase on many of the special interests that are listed in this bill. However, I think there's a distinction between corporate special interests, and the many hundreds and thousands of people who live in condominium associations and are, in effect, going to be double taxed by this proposal. Thank you, Mr. Speaker."

Representative Herkes rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I would be delighted to pay a tax if I did get water and sewer service."

Representative Pine rose to respond, stating:

"Yes, Mr. Speaker. Still in opposition. It's okay to balance the budget, but just don't do it on the backs of the people of Hawaii who are already suffering. We say that nonprofits are exempted, but they're not. What do you think nonprofits do when they have conventions, and meetings, and events for? They do that to raise money to help people that are hurting. So we are taxing nonprofits.

"So Mr. Speaker, I am for going after special interests that can afford to pay more, and I wish we would have a better discussion and have this bill not introduced last minute in the Finance Committee where very few people were able to review these different things, line by line so they can come and testify in person to prove that they deserve this tax deduction.

"It's just how this was done. It's being sped through, and not that many Committees are hearing it. It has not given the public a chance to prove to us individually whether they deserve this or not. So that's really my opposition, that there was really a lack of true transparency and true discussion."

The motion was put to vote by the Chair and carried, and S.B. No. 2402, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Berg, Brower, Ching, Marumoto, Pine, Takai and Ward voting no, and with Representative Hanohano being excused.

At 11:06 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2402, SD 1, HD 1

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1171-10) recommending that S.B. No. 2548, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2548, SD 2, HD 1, pass Third Reading, seconded by Representative Pine.

At this time, Representative Thielen offered Floor Amendment No. 8, amending S.B. No. 2548, SD 2, HD 1, as follows:

"SECTION 1. Senate Bill 2548, Senate Draft 2, House Draft 1, is amended by amending Section 2, to read as follows:

"SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part VII, to be appropriately designated and to read as follows:

"**§27- Information technology; chief information officer; information technology steering committee; establishment; responsibilities.** (a) There is established within the department of accounting and general services a full-time chief information officer to organize, manage, and oversee statewide information technology governance, including supervision and oversight of the information and communication services division of the department of accounting and general services. The chief information officer shall be appointed by the governor as provided in section 26-34. The chief information officer shall report directly to the governor and, in conjunction with the information technology steering committee, shall:

(1) Develop, implement, and manage statewide information technology governance;

(2) Develop, implement, and manage the state information technology strategic plans;

(3) Develop and implement statewide technology standards;

(4) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan; and

(5) Perform other necessary or desirable functions to facilitate the intent of this section.

(b) There is established an information technology steering committee to assist the chief information officer in developing the State's information technology standards and policies, including but not limited to:

(1) Assisting the chief information officer in developing and implementing the state information technology strategic plans;

(2) Assessing executive branch departments' progress in meeting the objectives defined in the state information technology strategic plans and identifying best practices for shared or consolidated services;

(3) Ensuring technology projects are selected based on their potential impact and risk to the State, as well as their strategic value;

(4) Ensuring that executive branch departments maintain sufficient tools to assess the value and benefits of technology initiatives;

(5) Assisting the chief information officer in developing state information technology standards and policies; and

(6) Clarifying the roles, responsibilities, and authority of the information and communication services division, specifically as it relates to its statewide duties.

The members of the information technology steering committee shall be appointed by the senate president and speaker of the house of representatives in equal number respectively and shall include representatives from executive branch departments, including large user agencies such as the department of education and the University of Hawaii; the judiciary; the legislature; and private individuals. The chief information officer shall serve as the chair of the committee and shall ensure that the committee is evaluated periodically.

(c) There is established within the department of budget and finance a special fund to be known as the shared services technology special fund to be administered and expended by the chief information officer for the purposes of this subsection. per cent of the receipts collected from special funds pursuant to section 36-27 shall be deposited into the shared services technology special fund. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the chief information officer and the information technology steering committee, including the employment and training of staff and any other activities deemed necessary by the chief information officer to carry out the purposes of this section.""

Representative Thielen moved that Floor Amendment No. 8 be adopted, seconded by Representative Pine.

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. This one should be a lot quicker and a lot easier. I would just ask the Members to look at this with open minds because it corrects a defective bill. I know it's proposed by the Minority, but so be it. Maybe for once you can say, 'Okay, this makes sense.'

"The underlying bill, I support, which would establish the Information Technology Officer or the Chief Information Technology Officer, which we do need in this State. Unfortunately the bill is defective in that it places it in the Office of the Governor.

"The Attorney General explained that under the Constitution, you can have temporary offices within the Governor's Office, but it can't be a permanent position. Therefore this office should have been placed in the Department of Accounting and General Services.

"This is simply all that the bill does. It corrects the violation of the State Constitution. And we have support certainly for this Chief Information Officer from the High Technology Development Corporation and others in the community.

"So let's do it right, and that's all that the amendment does. If we pass the amendment, the bill will be corrected, and Members could feel good about doing something proper today. Thank you."

Representative B. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to the floor amendment. I'll be very brief. What the offeror says is true; that you cannot create permanent offices in the Office of the Governor. That was actually one of the problems that was pointed out when had the Office of Elections under the Lieutenant Governor, because the Attorney General under that opinion said that you cannot permanently establish an agency.

"Under our Constitution, agencies can only be established as they are listed in our statutes. So you cannot permanently attach another agency to the Governor's or Lieutenant Governor's office.

"However, I don't believe that is what is being done in this case. In this case all we're doing is establishing the position of the full time Chief Information Officer, and so I don't believe that that runs afoul of the Constitution. Establishing a position within the Office of the Governor is very different than attaching an agency to the Office of the Governor.

"As you have already seen, she has done that with her tourism liaison. If that is a case that she's not allowed to establish any other positions, then that one should also be violative of the Constitution, but it is not. All we are doing is establishing that position. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. If I were a betting person, I would bet you 'dollars to donuts' that by the time this bill ends up, the Chief Information Officer will be placed in the Department of Accounting and General Services. So my question is now, is it simply because it's a Republican proposal that the Members won't vote for it? Because on the final day, I'm sure that the bill will be corrected and then everyone will vote for it, including the Majority side. Thank you."

Representative B. Oshiro rose, stating:

"Mr. Speaker, point of order. I don't believe it's proper to align motive to why we vote for things or against things. You can talk about effect, but not motives or intent. Thank you."

The Chair responded, stating:

"Your point is well taken, and you are correct."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'm in support. Mr. Speaker, for transparency purposes, I know the Minority has had a very difficult time getting roll call votes. So for transparency purposes, I am standing in support with no comments."

Representative Berg rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I stand in opposition to this floor amendment simply because of the content. I think the good Representative from Kailua makes a very good point. My concern is that there is an Office of Information Practices within the Lieutenant Governor's office, and if this position is placed someplace else, I'm not sure how that would facilitate the coherent changes that the Auditor is suggesting. Thank you."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"I rise simply to say that I support the amendment."

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Just for transparency, I just want to note I support the amendment."

Representative Ching rose to speak in support of the proposed floor amendment, stating:

"Thank you. I am also in strong support of the amendment. I think that we should be supporting this initiative of technology, and on a permanent basis. Thank you."

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, for transparency purposes, I rise in opposition. However, I do want to note that the concerns of the Minority, I share them completely, and we will be bringing this into Conference. Thank you, very much."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"I rise in support."

Representative Manahan rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I'm standing in opposition to this floor amendment. I just briefly want to say, I thought this is what HTDC already does. So I don't understand why we need a new position. Thank you."

The motion that Floor Amendment No. 8, amending S.B. No. 2548, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representative Hanohano was excused.)

(Main Motion)

Representative Pine rose and stated:

"All Minority Members vote aye, with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2548, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 11:14 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2548, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1236-10) recommending that S.B. No. 2124, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2124, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

At this time, Representative Ward offered Floor Amendment No. 9, amending S.B. No. 2124, SD 2, HD 1, as follows:

"SECTION 1. Senate Bill No. 2124, Senate Draft 2, House Draft 1, is amended by amending Section 1, to read as follows:

"SECTION 1. Hawaii is facing one of the most challenging economic times it has ever faced and these economic conditions have necessitated difficult decisions by the State to balance an already precarious budget. One such decision reached through collective bargaining between the Governor, the Board of Education, the Department of Education, and the Hawaii State Teachers Association, was to institute furlough days for Hawaii's educational system. As a result of this agreement, Hawaii's *keiki* have already lost nearly three weeks worth of instructional days during the current school year and are scheduled to lose anywhere from seventeen to twenty-one more days during the next school year.

The loss of these instructional days may have a tremendous impact on the youth of our state. It may be devastating to the quality of their education and a loss which may last them a lifetime. In addition to the effect on our youth, these lost days may have far reaching effects on the prosperity, health, and growth of the entire state for years to come.

Despite the State's economic difficulties and the great need for additional resources in many areas that would benefit the public welfare, the legislature finds that the education of our youth is of the utmost importance. Accordingly, your Committee is loaning Hawaii Hurricane Relief Funds to the general fund to restore instructional days for the 2009-2010 and 2010-2011 school years that would be lost to furloughs. By providing these funds, the legislature is enabling a return of our students to the classroom.

As required by the Hawaii Constitution, the legislature's authority and responsibility is to establish funding priorities that will result in a balanced budget. In our current fiscal climate it is difficult to balance the many needs of the people of Hawaii, but the legislature has made the educational needs of Hawaii's children a top priority and therefore has appropriated these funds to restore instructional days. In doing so, it is not the intent of the legislature to become a participant in the collective bargaining process. In fact, the Hawaii Constitution forbids this. The legislature's role is to reject or approve funding for the cost items agreed to by collective bargaining.

The legislature declares that the loan made under this Act shall not be construed to mean that the legislature, in any way, intends to interfere with the processes of public sector collective bargaining as authorized under the state constitution and chapter 89, Hawaii Revised Statutes.

The purpose of this Act is to loan Hawaii hurricane relief funds to restore instructional days for the 2009-2010 and 2010-2011 school years that have been negotiated pursuant to the collective bargaining process established under chapter 89, Hawaii Revised Statutes, and a proportionate amount on a per-pupil basis to alleviate the impact of reductions to charter schools for the 2009-2010 and 2010-2011 school years."

SECTION 2. Senate Bill No. 2124, Senate Draft 2, House Draft 1, is amended by adding a new Part I, to read as follows:

"PART I

SECTION 2. Section 431P-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (g) to read:

"(g) Any proceeds from loans or other moneys from the federal government, any proceeds from bonds issued pursuant to this chapter loaned by the director to the Hawaii hurricane relief fund, <u>any repayment of principal and interest on loans to the general fund,</u> and other moneys as the State may make available from time to time shall be deposited into the hurricane reserve trust fund."

2. By amending subsection (i) to read:

"(i) Moneys in the hurricane reserve trust fund may be:

(1) Disbursed upon dissolution of the Hawaii hurricane relief fund; provided that:

(A) The net moneys in the hurricane reserve trust fund shall revert to the state general fund after payments by the fund on behalf of licensed property and casualty insurers or the State that are required to be made pursuant to any federal disaster insurance program enacted to provide insurance or reinsurance for hurricane risks are completed; and

(B) If such moneys are paid on behalf of licensed property and casualty insurers, payment shall be made in proportion to the premiums from policies of hurricane property insurance serviced by the insurers in the twelve months prior to dissolution of the fund; or

(2) [~~Deposited to the loss mitigation grant fund established under section 431:22-102.~~] <u>Loaned to the general fund pursuant to legislative act and expended in place of previously appropriated general funds;</u>

provided that all interest earned from the principal in the hurricane reserve trust fund shall be transferred and deposited into the general fund each year that the hurricane reserve trust fund remains in existence.

<u>Any legislative act that provides for the loan of moneys from the Hawaii hurricane reserve trust fund to the general fund shall also provide for the repayment of half of the principal of and, if any, interest due and owing on the loan by June 30, 2015, and the repayment of the remaining half of the principal of and, if any, interest due and owing on the loan by June 30, 2017. As the means of repayment, the legislative act may dedicate general revenues from an existing or new tax or fee. If the principal and interest</u>

are not fully repaid by the applicable deadlines, the director of finance shall transfer the delinquent amount from the general fund to the Hawaii hurricane reserve trust fund. No penalty shall be charged on any delinquent principal or interest. The director shall make the transfer or transfers without necessity of appropriation or any other legislation. Notwithstanding the foregoing, all or a portion of the principal of and, if any, interest due and owing on the loan may be repaid at any time prior to the applicable deadlines without penalty."

SECTION 3. Section 431P-16.5, Hawaii Revised Statutes, is amended to read as follows:

"**[~~[~~]§431P-16.5[~~]~~] Transfer or loan of funds; immunity.** There shall be no cause of action, claim for damages or relief, charge, or any other liability of any kind whatsoever created against the State, the Hawaii hurricane relief fund, the commissioner, or their respective agents, employees, or board, by, or relating to[~~, the~~]:

(1) The transfer of any moneys from the hurricane reserve trust fund to the loss mitigation grant fund or from the loss mitigation grant fund to the hurricane reserve trust fund or involving the loss mitigation grant program[~~-~~]; or

(2) The loan of any moneys from the hurricane reserve trust fund to the general fund."

SECTION 3. Senate Bill No. 2124, Senate Draft 2, House Draft 1, is amended by adding a new Part II, to read as follows:

"PART II

SECTION 4. Notwithstanding provisions of chapter 431P, Hawaii Revised Statutes, to the contrary, there is appropriated out of the Hawaii hurricane relief fund the sum of $16,533,333 or so much thereof as may be necessary for fiscal year 2009-2010 to restore instructional days for the 2009-2010 school year that have been negotiated pursuant to the collective bargaining process established under chapter 89, Hawaii Revised Statutes; provided that:

(1) The funds appropriated by this Act shall only be released upon the completion of all negotiations of parties necessary to execute the restoration of instructional days pursuant to the collective bargaining process established under chapter 89, Hawaii Revised Statutes;

(2) Of the sum appropriated, $691,289 shall be allocated to charter schools for the 2009-2010 school year to alleviate the impact of funding reductions for the 2009-2010 fiscal year;

(3) Of the sum appropriated, $15,842,044 shall be allocated to non-charter schools for the 2009-2010 school year to alleviate the impact of funding reductions for the 2009-2010 fiscal year;

(4) Notwithstanding section 37-41.5, Hawaii Revised Statutes, funds appropriated for the 2009-2010 school year that are not expended at the close of that school year shall not be carried over to the following school year and shall lapse into the Hawaii hurricane relief fund; and

(5) The funds appropriated by this Act shall be treated as a loan pursuant to the provisions of sections 431P-16 and 431P-16.5, as amended by this Act.

The sum appropriated under this section shall be expended by the department of education and the charter school administrative office, respectively, for the purposes of this Act.

SECTION 5. Notwithstanding provisions of chapter 431P, Hawaii Revised Statutes, to the contrary, there is appropriated out of the Hawaii hurricane relief fund the sum of $45,466,667 or so much thereof as may be necessary for fiscal year 2010-2011 to restore instructional days for the 2010-2011 school year that have been negotiated pursuant to the collective bargaining process established under chapter 89, Hawaii Revised Statutes; provided that:

(1) The funds appropriated by this Act shall only be released upon the completion of all negotiations of parties necessary to execute the restoration of instructional days pursuant to the collective bargaining process established under chapter 89, Hawaii Revised Statutes;

(2) Of the sum appropriated, $1,901,045 shall be allocated to charter schools for the 2010-2011 school year to alleviate the impact of funding reductions for the 2010-2011 fiscal year;

(3) Of the sum appropriated, $43,565,622 shall be allocated to non-charter schools for the 2010-2011 school year to alleviate the impact of funding reductions for the 2010-2011 fiscal year; and

(4) Notwithstanding section 37-41.5, Hawaii Revised Statutes, funds appropriated for the 2010-2011 school year that are not expended at the close of that school year shall not be carried over to the following school year and shall lapse into the Hawaii hurricane relief fund; and

(5) The funds appropriated by this Act shall be treated as a loan pursuant to the provisions of sections 431P-16 and 431P-16.5, as amended by this Act.

The sum appropriated under this section shall be expended by the department of education and the charter school administrative office, respectively, for the purposes of this Act."

SECTION 4. Senate Bill No. 2124, Senate Draft 2, House Draft 1, is amended by renumbering the subsequent remaining sections and amending them to read as follows:

"SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval; provided that sections 4 and 5 shall take effect on July 1, 2010, and that Part I of this Act shall be repealed on July 1, 2017; provided that:

(1) Sections 431P-16 and 431P-16.5, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective day of this Act; and

(2) The repeal of this Act shall not affect the obligation of the State to repay any loan or portion thereof made from the Hawaii hurricane relief fund pursuant to this Act.""

Representative Ward moved that Floor Amendment No. 9 be adopted, seconded by Representative Ching.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, this is a very handy amendment, and timely. I will be brief in explaining that there's a big difference between taking money and borrowing money. This is about the Hurricane Relief Fund which the people of Hawaii believe is their own money. Last heard, we are still in a hurricane zone. This needs to be solvent. It needs to be there.

"This amendment basically says, 'Yes, you can use the money. But no, you've got to pay us back.' It's not going to be on its own. So Mr. Speaker, moving for the adoption of this is simply saying, yes we're going to use the hurricane relief money, but we want to have it as a loan and pay it back. Thank you."

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"In support of the amendment, Mr. Speaker. I agree with the previous speaker that a loan is better than just taking. I think it's so important, especially in these times, that when we keep our word to the people of Hawaii, that we're taxing them for a specific purpose, that we actually do keep our word, because they eventually start losing faith in their leaders and the taxes that we collect from them.

"So I believe that if we classify this more as a loan, this will always be considered as part of our budget. When we have surpluses we will pay it back so that we can keep our promises to the people that were taxed for the Hurricane Relief Fund."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In support of the amendment, and in loaning the money for the purpose provided in this legislation. Mr. Speaker, I'm going to just read briefly from the Insurance Commissioner's letter to me:

"When a hurricane hits Hawaii, the HHRF is designed to activate, begin setting up operations to provide hurricane insurance to Hawaii property owners who are unable to get insurance from a traditional insurer. Usually, in the aftermath of a hurricane, traditional insurers pull back from the market. Homeowners who cannot find insurance are then in default on their mortgage, and foreclosures may ensue. The HHRF is designed to provide insurance to prevent the additional personal and economic disaster of numerous foreclosures when we are trying to cope with the environmental, economic, and personal catastrophe after a hurricane."

"And I would note that by loaning the money, it provides a much better message because then the Fund will be repaid; and I go on to J.P. Schmidt's comments:

"Timing is important after a hurricane. It takes time to set up the operations of the HHRF. The less money the HHRF has, the longer it will take to get going and the greater risk of foreclosures and further economic disruption. The greater the amount in the HHRF, the quicker we can address these problems."

"That's what this amendment is all about, Mr. Speaker. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. For transparency purposes, I will be voting yes on this amendment, Mr. Speaker. My colleague before me mentioned the need for reinsurance if there is a hurricane or a hurricane disaster. The ability for people to refinance, for property sales to still move forward should they want to move forward, preventing foreclosures and stuff like that.

"Mr. Speaker, one of the important things that this borrowing of the funds creates is that commitment of the Legislature to make sure that important things like these don't fall to the wayside, and that we're just not always operating in emergency mode where we'll have to sell bonds or whatever we need to do in order to respond to potential foreclosures, refinances, and property sales.

"Mr. Speaker, we've done this in the past, not in the same way, with the ERS, where we sort of borrowed the funds, because we're trying to pay it back now to make us an unfunded liability for the ERS. Mr. Speaker, it's important for us to have this commitment. We cannot go forward and expose our homeowners and their homes to this kind of noncommittal, and especially because we are in a hurricane area that we should be committed and make sure that we pay this back, and that it's in the forefront of the minds of our Legislature, as well as future Legislatures. Thank you."

Representative Ching rose to speak in support of the proposed floor amendment, stating:

"Thank you. I am also in strong support of the amendment for similar reasons as the former speakers. One very important reason though, especially to keep our word to the taxpayers that this will be used for the hurricane. And if we do have to use it, then pay it back."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Thank you. I am also in favor of the amendment, Mr. Speaker. At the time that we instituted this Hurricane Fund we were at a crisis situation when all the insurers that offered wind insurance left town, literally. We were forced to start our own insurance, hurricane insurance fund. I think we should keep it intact and fully funded as much possible to preclude another disaster, because the crisis situation was terrible when we were not able to sell or buy a single property, condo, single family residence, commercial property that needed financing because it was really a bank requirement, not an insurance requirement, a financial requirement.

"So I think it's a very good amendment to borrow the money from the Hurricane Fund rather than to take the money. I would hope that you would really think about this amendment because it's not one of those things you can fix in Conference Committee. It's too important. So I hope I don't have to say, 'I told you so.' Thank you."

Representative M. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"I rise to speak against this amendment. Mr. Speaker, this amendment will do several things. It would cause us to create a loan between the hurricane relief fund and the general fund, but there are problems with that. I think first of all, internally it's inconsistent because it calls for a payment and return of the amounts, "borrowed" by June 30, 2015 with interest. And then later on there's also another principal payment due on June 30, 2017. This bill does not contain the terms and conditions of this loan. Nothing on what might trigger any default of this loan.

"And furthermore, Mr. Speaker, although it talks about interest being paid, it does not level any interest on the loaned amount. I think those who are thinking about moving this bill forward should first look at the existing law whereby the general fund does receive interest from the Hawaii Hurricane Relief Fund that goes to the general fund.

"It's terribly ironic Mr. Speaker, given all these descriptives about being transparent when one of the most noticeable portions of this bill in part two, seems to be the Governor's proposal to end the Furlough Friday debacle that she had a hand in. If you look at part two of the bill, Members, the current draft before us, section 4 and section 5 and section 6 and section 7. It essentially contains the Governor's proposal. I have not heard one comment about that from the Minority, so I find it very strange and intriguing, and it simply flabbergasts me. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, I find it flabbergasting that anybody who has endured over 160 some days of furloughs is not flabbergasted that we haven't fixed it yet, and that's why we're borrowing the money. Simple logic. Borrowing the money to fix what otherwise is one of the biggest problems in this State, in this Session, at this time.

"Secondly, Mr. Speaker, this is all about restoring in good faith, the trust that the people of Hawaii have in us. If we just take this money like we took with the Highway Fund, people complained in my district, your district. Why are there so many potholes? We took the money out, and never restored it.

"The ERS, we say we have so many billion of unfunded liabilities. Why did we have that? Because we took the money out, and we never restored it. This one is saying and codifying it, 'if you take the money, give it back.' Loan it out. I'm glad that the Chair of Finance mentioned that there's no greater cause than putting our kids back into school. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In support of the amendment again and just follow up comments. Mr. Speaker, I thought it was important to include the language of the borrowed money for the commitment of paying it back because this is a very important fund. The only reason why we use that particular language in part one of this bill is because it was the language that our House passed over from First Crossover when we borrowed funds from the HHRF.

"So this language, if it's not okay to use, this Body already gave its stamp of approval when it sent it over to the Senate side. So if there are any mistakes, it was through the leading of this Body in how they wanted to attack using this Fund and loaning money out of this Fund and having our Legislature or the State pay it back. So again, this is the language that went over to the Senate in our House Bill that we passed off at First Cross."

The motion that Floor Amendment No. 9, amending S.B. No. 2124, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representative Hanohano was excused.)

(Main Motion)

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations on the underlying bill. Mr. Speaker, I'm going to go back to the letter that I received from the Insurance Commissioner, JP Schmidt, and just would like the Journal to reflect the following:

"The HHRF has a number of revenue sources. HHRF uses premiums of post-hurricane assessment on the HHRF servicing carriers, a mortgage recording fee, an annual assessment on the property and casualty insurers and a post-hurricane surcharge on property and casualty insurance policyholders. Those who pay premiums received in return the benefit of insurance coverage for their homes. Those who paid the other fees and assessments receive the benefit of stabilized insurance and mortgage markets."

"He notes, "We will need the HHRF when the next hurricane hits Hawaii. We are currently in an El Nino weather pattern which historically is when Hawaii is at highest risk of hurricane. In addition on average Hawaii is hit every 10 years. Hurricane Iniki occurred about 17 years ago."

"Mr. Speaker, I think we should be very cautious in taking more than a very small amount from the HHRF particularly when it could cause such economic damage. Thank you."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2124, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 11:28 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2124, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1159-10) recommending that S.B. No. 2589, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2589, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

At this time, Representative Ward offered Floor Amendment No. 10, amending S.B. No. 2589, SD 2, HD 1, as follows:

"SECTION 1. Senate Bill 2589, Senate Draft 2, House Draft 1, is amended by amending Section 1 to read as follows:

"SECTION 1. The legislature finds that some public charter schools face daunting obstacles, including the high cost of rent and less-than-desirable locations for their facilities, while the department of education is considering the closure of certain school that are not charter schools due to financial constraints.

The legislature further finds that education is of the utmost importance to the future of Hawai`i. As Hawai`i continues to strive for innovative ways to improve the education and opportunities for our children, the federal government has stressed, both publicly and in its policy and funding choices, the importance of successful innovations, especially encouraging states to nurture charter schools. Recently, the Obama Administration set aside several billion dollars in competitive grants called "Race to the Top" funds for the very purpose of education reform and improvements, and blatantly states that part of the criteria for qualifying for the funds hinges on states' decision to nurture charter schools.

The purpose of this Act is to require the department of education to consider making available vacant school facilities or portions of those facilities for use by charter schools, and to create statutory changes to enable Hawai`i to further improve public charter schools as a means of innovative public education and to better situate Hawai`i to qualify for "Race to the Top" funds and other federal grants."

SECTION 2: Senate Bill 2589, Senate Draft 2, House Draft 1, is further amending by adding a new section 6, to read as follows:

"SECTION 6. Section 302B-4, Hawaii Revised Statutes, is repealed.

[~~"**§302B-4 Limits on charter schools.** The panel may authorize one new start-up charter school for each existing start-up charter school that has received a three-year or longer accreditation from the Western Association of Schools and Colleges or a comparable accreditation authority as determined by the panel, or for each start-up charter school whose charter is revoked. The total number of conversion charter schools authorized by the panel shall not exceed twenty-five."~~]"

SECTION 3: Senate Bill 2589, Senate Draft 2, House Draft 1, is further amending by adding a new section 7 and 8, to read as follows:

"SECTION 7. Section 302B-5, Hawaii Revised Statutes, is amended to read as follows:

"**§302B-5 Start-up charter schools; establishment.** (a) New start-up charter schools may be established pursuant to this section.

(b) Any community, group of teachers, group of teachers and administrators, or nonprofit organization may submit a letter of intent to the office to form a charter school, establish an interim local school board as its governing body, and develop a detailed implementation plan pursuant to subsection (d).

(c) The start-up charter school application process and schedule shall be determined by the panel or university, as applicable, and shall provide for and include the following elements:

(1) The submission of a letter of intent to operate a start-up charter school;

(2) The timely transmittal of the application form and completion guidelines to the interim local school board;

(3) The timely submission to the panel or university, as applicable, of a completed application;

(4) The timely review of the application by the panel or university, as applicable, for completeness, and notification of the interim local school board if the application is complete or, if the application is insufficient, a written statement of the elements of the application that require completion;

(5) The timely resubmission of the application;

(6) Upon receipt of a completed application, the convening of the panel by the panel chairperson to begin review of the application or the convening of the university entity to begin review of the application, as applicable;

(7) The timely notification of the applicant of any revisions the panel or university, as applicable, requests as necessary for a recommendation of approval;

(8) Following the submission of an application, issuance of a charter or denial of the application by the panel or university, as applicable, by majority vote; provided that if the panel or university does not approve the application and issue a charter, provisions requiring the panel or university, as applicable, to:

(A) Clearly identify in writing its reasons for not issuing the charter, which may be used as guidelines for an amended plan; and

(B) Allow the interim local school board to revise its plan in accordance with the panel's guidelines, and resubmit an amended plan within ten calendar days;

(9) A provision for a final date on which a decision must be made, upon receipt of an amended plan; and

(10) A provision that no start-up charter school may begin operation before obtaining panel or university, as applicable, approval of its charter.

(d) An application to become a start-up charter school shall include a detailed implementation plan that meets the requirements of this subsection and section 302B-9. The plan shall include the following:

(1) A description of employee rights and management issues and a framework for addressing those issues that protects the rights of employees;

(2) A plan for identifying, recruiting, and retaining highly-qualified instructional faculty;

(3) A plan for identifying, recruiting, and selecting students that is not exclusive, elitist, or segregationist;

(4) The curriculum and instructional framework to be used to achieve student outcomes, including an assessment plan;

(5) A plan for the assessment of student, administrative support, and teaching personnel performance that:

(A) Recognizes the interests of the general public;

(B) Incorporates or exceeds the educational content and performance standards developed by the department for the public school system;

(C) Includes a system of faculty and staff accountability that holds faculty and staff both individually and collectively accountable for their performance, and that is at least equivalent to the average system of accountability in public schools throughout the State; and

(D) Provides for program audits and annual financial audits;

(6) A governance structure for the charter school that incorporates a conflict of interest policy and a plan for periodic training to carry out the duties of local school board members;

(7) A financial plan based on the most recent fiscal year's per-pupil charter school allocation that demonstrates the ability to meet the financial obligations of one-time, start-up costs and ongoing costs such as monthly payrolls, faculty recruitment, professional development, and facilities costs; and

(8) A facilities plan."

SECTION 8. Chapter 302B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§302B-A Alternative chartering authority; University of Hawai`i.** (a) The board of regents of the University of Hawaii shall have the authority to designate itself or another entity within the University of Hawaii to be an alternative chartering authority to the charter school review panel. The alternative chartering authority authorized by the board of regents under this section shall have the power and authority to:

(1) Review, approve, or deny charter applications for new charter schools in accordance with section 302B-5 for the issuance of new charters; provided that applicants that are denied a charter may appeal to the superintendent for a final decision pursuant to section 302B-5;

(2) Review, approve, or deny significant amendments to detailed implementation plans to maximize the school's financial and academic success, long-term organizational viability, and accountability; provided that a denial of a significant amendment to a detailed implementation plan may be appealed to the superintendent for a final decision pursuant to section 302B-5;

(3) Adopt reporting requirements for charter schools;

(4) Review annual self-evaluation reports from charter schools and take appropriate action; and

(5) Evaluate any aspect of a charter school that the entity may have concerns with and take appropriate action, which may include probation or revocation."

SECTION 4: Senate Bill 2589, Senate Draft 2, House Draft 1, is further amending by renumbering the subsequent sections accordingly.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2050."

Representative Ward moved that Floor Amendment No. 10 be adopted, seconded by Representative Ching.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I will be pithy and pertinent to something that I think is very necessary and on the minds of the people of Hawaii, as well as many on this Floor. This amendment lifts the cap so we can get back into the Race to the Top. The Race to the Top involves millions of dollars of funds for our *keiki*. This requirement has been set by Secretary Duncan and the whole Race to the Top Charter School contest for the entire nation.

"Unfortunately, we were not included in round one. We didn't have the requisite lifting of the cap, as well as merit pay and other issues.

"Mr. Speaker, this amendment, brief as it is, simply says that we want to get back in the race. We want to go to the top. We want to get the money for the kids for our schools, but we're going to remove the cap to Charter Schools. If there's one thing this Administration is really committed to, it's Charter Schools, Mr. Speaker. We just want to align ourselves with them and that's the purpose of the amendment. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. For transparency sake, I do want to stand up and say that I'm in strong support of this amendment. Also to support as the previous speaker has said, to really back education reform through Race to the Top and being able to qualify for that money, but also just for the commitment.

"We as the Legislature pass out education reform through Charter School legislation, and every year since then it's been very difficult for Charters to even survive in the environment this Body or the Legislature has given them.

"We do need to say firmly that we are committed to the Charter School movement and its education reform and the things that it has provided to us so far in comparing the way that our traditional schools are operated and the bureaucracy of the Department of Education, and the contrast when Charter Schools, with the authority and flexibility to do what they need to do at this Charter School level. How they've been able to overcome some of the very difficult situations that they're in.

"Mr. Speaker, I strongly support this amendment and hope that others will be transparent in saying if they're yes or no on this particular amendment. Too often do the Charter Schools get the answer from people on the House Floor and the Senate Floor saying they support Charter Schools, but won't vote for legislation that actually helps them. Thank you."

Representative Ching rose to speak in support of the proposed floor amendment, stating:

"Thank you. In strong support of the amendment. Thank you."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"In strong support of the amendment, Mr. Speaker."

Representative Pine rose in support of the proposed floor amendment and asked that the remarks of Representatives Ward and Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I support this amendment because I find the energy coming out of Charter Schools really recharges us all. The morale is so great among the parents and the teachers and the students, so we need more Charters."

Representative Takumi rose to speak in opposition to the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. In opposition. Just a quick response to the Minority Leader. If she has any research that shows that our Charter Schools do better as a whole than the regular public schools, I sure would like to see that. There've been two studies done by Kamehameha Schools that were inconclusive about that assertion as well.

"On the one hand, I do support Charter Schools, on the other hand to make an assertion that somehow they do better than regular public schools is not quite conclusive in my book.

"But let me state for the record, Mr. Speaker, I am in favor of lifting the cap and having multiple authorizers for our Charter Schools but it's a question of timing. I'm sure the Representative from Hawaii Kai did read the Race to the Top application. I don't know if he read all 900 pages, but particularly the section that dealt with Charter Schools. And then he must have read the part of the criticism by the US Department of Education and why we fell short in that category in our application.

"As you know, every state's application was reviewed by five objective reviewers and they offered comments. And again, I'm positive he read their comments. Let me give you some comments that they did make, Mr. Speaker.

"One reviewer said, 'A lack of emphasis upon student achievement as a significant factor in determining Charter renewal.' In other words we don't quite have a system where student achievement is used as a gauge as to whether or not these charters should be renewed.

"Another reviewer wrote that the approval process is 'murky.' That was the word that was used. Another wrote, 'it is unclear how Charter School authorizers approve, monitor, hold accountable, reauthorize and close Charter Schools.' Another reviewer wrote, 'the lack of clarity of an appeals process when a Charter application is denied or a Charter is revoked.'

"That speaks for itself, Mr. Speaker. As you well know, the Charter School law passed in the State of Hawaii in 1994. I'm sure all of you know how many Charters have been revoked from 1994 to today. The answer is obviously, zero. Even though we have Charter Schools in 40 states and the District of Columbia and on average, Charters are revoked at a rate of about 10% a year. A national average. We have revoked none since 1994 and the reason for that is that our rules and our procedures and our policies to revoke a Charter is, as one reviewer wrote, 'murky.'

"So it seems to me, Mr. Speaker, that in light of these comments from rejected reviewers, I wonder how prudent it would be for us to lift the cap at this time and enable more authorizers.

"And lastly, the Senate Bill when it came over we read the Senate Draft 2, it does invoke some of the recommendations and proposals in this floor amendment. We're going to take it to Conference and we'll see where it goes. Thank you."

Representative Ward rose and stated:

"Mr. Speaker, would the Chair of Education accept a question?"

Speaker Say: "Representative Takumi, will you yield to a question?"

Representative Takumi: "No."

Representative Ward rose to respond, stating:

"Okay, I thought I misunderstood when he said he was actually for lifting the cap. But if he's not, he certainly gave enough reasons not to say that he was for the cap, if he did say that in effect.

"The point is, Mr. Speaker, Charter Schools are the experimentation laboratory for America. They're doing different and new things. And of course the data is still questionable as to whether they're doing as well in the achievement test.

"But the sense is, they're pushing the envelope. Case in point, yesterday I read, Mr. Speaker, about when they took the achievement test in some East Coast school, they allowed the kids to chew gum while they were doing the test. Mr. Speaker, the data says that you get a 3% push in the points by allowing the kids to chew gum. You think in the DOE here you can chew gum while you're taking an assessment test? No way.

"Now after the tests were over they had to take the gum out of their mouth etc., but the point is that we're lacking as a country and as a state, what's going on in the education of the minds of the youth of the world. What's going on in China, in India, South Korea, the Philippines, is frightening enough to say, 'Wake up America. Get your schools in order.'

"This is the laboratory to do it, and the federal government is saying, 'Look, you want our money? Here's the incentive. Lift the cap and we'll give you some money.' We failed the first time around, this is an amendment to say, 'Hey let's get back into the race. Let's get to the top. Let's do stuff with our kids.' We've got the brains here. We just don't have the system and the structure to bring it out. Thank you, Mr. Speaker."

Representative Takumi rose to respond, stating:

"A brief rebuttal, Mr. Speaker. Again, I'm sure the Representative from Hawaii Kai read the criteria for the Race to the Top application. The criteria for Charter Schools was that a state must have at least 10% of their schools as Charters. We do. So that was not held against us, the fact that we have a cap. The fact of the matter is 11% of our schools are Charters.

"Second point is the use of the word experiment. Mr. Speaker, unless the State of Hawaii and our experiment with Charter Schools is just an incredible anomaly relative to the other states, experiments succeed and experiments fail. Again, I point out, how many Charters have been revoked since 1994? The answer is none. And again, unless we are doing superlatively better than any other state, it's because our system of revoking Charters and reviewing Charters and renewing Charters, still is wanting. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In support of the amendment. Mr. Speaker, I do have some rebuttals on what the Chair of Education has said.

"Mr. Speaker, the reason why we have our Charter system the way that it is, the reason why we don't have any closures in Charter schools, is because of the system, in and of itself. The Board of Education was tasked to do this since 1994 on making rules on how to close a Charter.

"Mr. Speaker, if we don't commit to really paving the way for Charters so that they can successfully thrive, we just don't do that. We continually put in place things, and sometimes we take 'baby steps.' I agree in the way that we're trying to improve Charter School legislation. We may do a little 'baby step' here and there, but when I first started and came to this Capitol for education reform I was sending my kids to Charter Schools ..."

Representative Finnegan disclosed a potential conflict of interest, stating:

"Oh. A ruling on a conflict, Mr. Speaker, my kids go to a Charter School," and the Chair ruled, "no conflict."

Representative Finnegan continued, stating:

"Thank you. When I first was committed to going to a Charter School, we went in because we didn't want to give up on the public school system, Mr. Speaker. We wanted to have a voice. We wanted to be able to have that school have the flexibility and really commit to public school education.

"I had my son on my hip when I first went to apply my other child to a Charter School, my daughter in kindergarten. Now I was scolding him the other day, and I was looking at him eye to eye. He's the same height as I am. Mr. Speaker, this has been eight years and we haven't had significant help for the Charter Schools. The kids don't deserve that and those people working at the Charter Schools don't deserve that either.

"Mr. Speaker, we talk about measuring Charter Schools. Kamehameha went out on their own to do their assessment. Kids feel safer in the environment that they're in. There's a whole questionnaire that they go through, as well as they feel that they have accomplished more in the Charter School setting. Academically, as well as environmentally, as well as being responsible for their own learning. The telltale sign of that is that Kamehameha is willing to give millions of dollars to help the Charter Schools out.

"So I think that if they can be convinced that that's where they want to invest their dollars for Hawaiian kids, that that is a good sign that the Charter Schools are moving in the right direction.

"Mr. Speaker, right now Laupahoehoe is trying to convert from a traditional school to a Charter School. The CSRP, the review panel, put that application on suspension. Why did they do that? Laupahoehoe went in with a grant asking the federal government for some assistance and money. They have a half a million dollars waiting for them in assistance to convert to a Charter School. The Charter School review panel put the application on suspension because of our lack of support of Charter Schools. What that means is, because of the funding, they will not approve it because it means less funding for all the rest of the Charter School students.

"Mr. Speaker, by doing this we make a commitment to Charter Schools. We say let them flourish, and also we should force the BOE to come up with the language that says this is the criteria in which you close down a Charter School. That's why we need more authorizers, Mr. Speaker, and that's why we need to lift the cap on Charter Schools. Thank you."

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. For transparency sake, in opposition. Everything that the previous speaker said is absolutely true in my book. I'm a strong supporter of Charter Schools and I think we should look at lifting the cap. Heck, we should lift them. But the floor amendment is being predicated on that this will position us better for the next round of Race to the Top.

"After hearing from the Education Chair, as well as reading the comments of the reviewers, I don't think this will get us there. So if the floor amendment is about getting us into a better position for the Race to the Top, then I'm all in favor, but I don't think it achieves those ends. So let's discuss the Charter School issue and as a separate issue, but as to this floor amendment, I don't think this positions us any better than where we're at now and that's why I'm opposed to the floor amendment."

At this time, Representative Souki called for the previous question, stating:

"Yes, Mr. Speaker. I call for the question please. I believe we had enough debate."

The motion that Floor Amendment No. 10, amending S.B. No. 2589, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Chang and Hanohano were excused.)

(Main Motion)

Representative Pine rose to speak in support of the measure with reservations, stating:

"In support with reservations. One of the previous speakers talked about how the amendment before did not improve education, and there's that little part in here that doesn't lift the cap on Charter Schools. I just disagree with that.

"When you create more schools that do better, that improves all of our chances of getting Race to the Top money. In Ewa Beach there're several groups including a lot of the principals of the local schools, and the parent leaders of the local schools, that wanted to create a couple of Charter Schools in Ewa Beach for specialized things that were not being addressed, or could not be addressed in the schools that are in my district. But they couldn't be creative despite so much support. We got federal funds for it, we got a free school basically that we could have opened up, but we couldn't do it to improve education and increase our chances to get Race to the Top money, because there is this cap. So it's very frustrating and so when we talk about …"

Representative B. Oshiro rose, stating:

"Point of order, Mr. Speaker. The underlying bill has to do with Charter Schools use of facilities. I don't see what her current point is. That was related to the floor amendment, not the current bill that's before us."

Speaker Say: "Representative Pine, could you confine your remarks."

Representative Pine: "I'm sorry. I've strayed from the subject."

Speaker Say: "It's the utilization of school facilities for Charter Schools. Please."

Representative Pine continued, stating:

"I'm still in support with reservations. I just really believe that we need to take a stronger stance and talk about these issues whenever we deal with a bill like this."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. Just short comments, Mr. Speaker. One is that when we're talking about facilities, this is an area where Charter Schools do need support, but because we are talking about facilities that may or may not be available for a particular Charter School, like say in their area that they're located in now, there may not be facilities available. So this is only going to go to those Charter Schools that can benefit from it.

"Facility support is so important for Charter Schools right now. In fact they don't get funding for facilities, and that makes up a large amount of their school budgets. So any support that we can give them is great.

"I did want to just say one more thing in regards to one of the facts that was stated earlier in the Charter School debate, and that is that 11% of the public schools in Hawaii are represented by Charter Schools. It's actually two to three percent of students that actually go to these Charters Schools. I don't know what the rule is. I don't know what the guidance is for Race to the Top. Numbers can be fudged in all kinds of ways and that is not a true interpretation of how many people are actually going to a Charter School. There's only two to three percent that are actually going to Charter Schools right now. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2589, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 11:47 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2589, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1166-10) recommending that S.B. No. 2571, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2571, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Ward offered Floor Amendment No. 11, amending S.B. No. 2571, SD 2, HD 2, as follows:

"SECTION 1. Senate Bill 2571, Senate Draft 2, House Draft 2, is amended by amending Section 1, to read as follows:

"SECTION 1. The purpose of this Act is to implement, upon its ratification, the constitutional amendments to Article X, Section 2 of the Hawaii Constitution, by requiring the members of the board of education to be nominated and, with the advice and consent of the senate, appointed by the governor."

SECTION 2. Senate Bill 2571, Senate Draft 2, House Draft 2, is further amended by amending Section 2, to read as follows:

"SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§302A-A Board of education members; appointment; terms; quorum and meetings; compensation.** (a) The board shall consist of eight members as follows:

(1) Six voting members who shall represent and reside in the specified geographic areas as follows:

(A) One member from the county of Hawaii;

(B) One member from the county of Maui;

(C) One member from the county of Kauai; and

(D) Three members from the city and county of Honolulu;

(2) One voting member who shall be designated by the governor to serve as the chairperson of the board; and

(3) One nonvoting member who shall be a public school student at the time of the initial appointment.

The members shall be appointed by the governor, with the advice and consent of the senate, and may be removed by the governor.

Except as otherwise provided by law, state officers shall be eligible for appointment and membership.

(b) Except for the student member, the governor shall set the terms of those initially appointed under this section to each seat on the board as follows:

(1) Two members shall serve two-year terms;

(2) Two members shall serve three-year terms; and

(3) Three members, including the chairperson of the board, shall serve four-year terms.

(c) Except as provided for in subsection (d):

(1) The term of each member shall be four years, except as provided for the initial appointment in subsection (b); and

(2) Members shall serve no more than two consecutive four-year terms; provided that the members who are initially appointed to terms of three years or less pursuant to subsection (b) may be reappointed to two ensuing, consecutive four-year terms. If a member is to be appointed to a second consecutive term of four years, the senate shall consider the question of whether to reconfirm the member at least one hundred twenty days prior to the expiration of a member's first four-year term; provided that if the senate is not in session prior to the one-hundred-twenty-day deadline by which the senate shall have considered the question of reconfirmation, the member shall continue to serve until the senate convenes for the next regular session or the next special session during which the senate is authorized to consider the question of reconfirmation.

(d) The term of the student member shall be two years. The student member may be reappointed for one additional consecutive term even though the member may no longer be a student at the time of reappointment; provided that the senate shall consider the question of whether to reconfirm the member at least one hundred twenty days prior to the expiration of the member's first term; provided further that if the senate is not in session prior to the one-hundred-twenty-day deadline by which the senate shall have considered the question of reconfirmation, the member shall continue to serve until the senate convenes for the next regular session or the next special session during which the senate is authorized to consider the question of reconfirmation.

(e) Every member may serve beyond the expiration date of the member's term of appointment until the member's successor has been appointed by the governor and confirmed by the senate in accordance with Article X, Section 2, of the Hawaii Constitution.

(f) The board shall select its own vice chairperson from its voting members, who shall serve as interim chairperson in the event the chairperson's seat becomes vacant, and until the governor selects the appointee who shall serve as the chairperson of the board pursuant to subsection 302A-B(e).

(g) A majority of all the voting members to which the board is entitled shall constitute a quorum to conduct business. At any time the board has fewer than six voting members, three voting members of the board shall constitute a quorum to conduct business and to make any action of the board valid.

Notwithstanding chapter 92, from the convening of the legislature in regular session to adjournment sine die of each regular session, and during each special session of the legislature, the board may file any notice that specifies only legislation or legislation-related agenda items, no fewer than two calendar days before the meeting.

(h) The members of the board shall serve without pay but shall be entitled to their travel expenses within the state when attending meetings of the board or when actually engaged in business relating to the work of the board.""

Representative Ward moved that Floor Amendment No. 11 be adopted, seconded by Representative Ching.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, the purpose of this amendment is to go 'hand in glove' with the brother or sister if you want, of the appointment of the Board of Education. The purpose of this amendment is to take the politics out of the appointment process because this floor amendment says, 'Let's take the advisory board, the selection advisory board and set it aside.' Mr. Speaker, that means setting aside your appointee, the President of the Senate's appointee, and all those who because of their affiliation with certain Members of this Body is going to dwindle, dilute, and otherwise keep the accountability of the Governor from really being full on if he appointed this Board.

"An appointed board is an appointed board. Having the intermediaries with these political appointments, I think, really takes the feet of the Governor away from the fire. And Mr. Speaker, if we're going to try to get accountability, I know the analogy has been used time and again. Representative Abercrombie has called it the, 'rectangular firing squad.' Everybody shoots each other because there's no accountability.

"This bill gets in that direction in a very good way, but we're diluting it by saying, 'Well, the Senate's got to have a hand in it, and the politics of it. The House has to have a hand into it.' And that really detracts from accountability which is in the beginning the whole purpose of doing this. So when we don't get results, whether it's Charter Schools or it's the other public schools, we know who to call on the carpet. And we know this Administration has called a lot of people on the carpet as previous Administrations have, and this is the methodology by which to do it Mr. Speaker. That's the purpose of the amendment. Thank you."

Representative Finnegan rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of the amendment. Thank you, Mr. Speaker. What this amendment does is, it just eliminates the Selection Advisory Council. The Selection Advisory Council that causes a huge, to me, problem from the beginning of this legislation. From the beginning of this Legislative Session, I saw and I think many of the people in Hawaii have seen, that what we need is accountability.

"The Selection Advisory Council does not help in bringing accountability to what so many people, Democrat and Republican alike, have said is an accountability issue. You cannot say, honestly say, that it's the Superintendent that is the problem. That it's the Board of Education that is the problem. That it's the Department of Education that is the problem. That it's the Legislature that is the problem. That it's the Governor that is the problem. In fact, there has been consensus I think, in some places where they're saying it's the Governor's problem. That the Governor made this whole furlough mess.

"Mr. Speaker, the way our system is set up right now is, there's no way to say that we're going to hold somebody accountable because there's so many people involved in the formula that you can't really hold anyone accountable.

"I wouldn't be so hard line on this issue Mr. Speaker, if I thought that there's no time to waste, and if I thought that there was the possibility of this being an important issue, that could move education forward, then I would support it.

"Mr. Speaker, later on today we're going to have the constitutional amendment that talks about changing the Board of Education from an elected Board, to an appointed Board. This is the companion, if you want to call it, legislation or the implementation legislation that says how are we going to do that.

"You know, it's so frustrating. I talk to the teachers and I talk to the principals in these areas in the schools. I talk to parents and they're so frustrated with the system. I've dealt with parents that said when they want answers, they can't go to what we established in Act 51, which was the School Community Councils. People are laughing at the fact that that was considered reform, and that was considered local control.

"Mr. Speaker, if we want education reform, we have to be able to address some of these issues, the issue of accountability. We have all different people appointing people to the Advisory Council. In my opinion, six years from now, it's likely that we will not have anything accomplished in education reform just like from 2004 to 2010 with Act 51.

"This is a serious issue Mr. Speaker, that we have to answer to our constituency of how we're going to do education reform in Hawaii. We can't continue to do these 'baby steps.' Those kids that go to schools whether they're Charter or traditional schools, every year, every year goes by so fast, and we're promising them education reform. We're not doing what we need to do to get it.

"We have the tools in place with Act 51, but we don't have 'the teeth.' We have now this appointed Board, but we have this gray area that there's this selection committee that will affect who the Governor can actually appoint. And then on top of that, you sandwich that with the Senate advice and consent. How is that accountability?

"Mr. Speaker, if I truly thought this was going to bring education reform, I would vote for it. I obviously don't. I think that we're going to end up 6 to 10 years from now saying, 'Oh let's look at education again,' for the fourth decade. Education reform. Thank you."

Representative Pine rose in support of the proposed floor amendment and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you. In support of the amendment, Mr. Speaker. Thank you."

Representative Ching rose in support of the proposed floor amendment and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support."

The motion that Floor Amendment No. 11, amending S.B. No. 2571, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Chang, Hanohano and Mizuno were excused.)

(Main Motion)

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to provide enabling legislation to allow the Governor to appoint the members of the Board, with the advice and consent of the Senate, from pools of qualified candidates presented to the Governor by the Board of Education Selection Advisory Council.

"I believe this measure will encourage the Board of Education to restructure and decentralize public education for the purposes of increasing student achievement and protecting student rights.

"This measure will serve to refocus the Board of Education on its constitutional role of setting long-term systemic achievement goals for the Department of Education and the Superintendent and monitoring progress towards those goals.

"While Hawaii has a long and proud history of both valuing and prioritizing public education, in recent years our public educational governance structure has become gridlocked at the Board level. This gridlock has many historic sources that are independent of the individuals who currently serve.

"The fact that the BOE Chair is elected annually from among its members has often led to bitter internal politics that carry forward for the remainder of the session rendering the Board highly ineffective.

"A split Board is often a weak Board. Crippling internal politics has contributed to an atmosphere in which narrow personal biases toward specific issues or each other often seem to supersede members' responsibility to advocate first and foremost on behalf of Hawaii's public school parents and students. Teacher furloughs are but the latest example of this dynamic.

"In place of the leadership vacuum left by the BOE the Legislature itself, as most of you know all too well, has been forced to take an increasingly active role in the oversight of our public school system. This has necessitated legislative involvement in virtually all aspects of the Department of Education.

"An appointed Board of Education, with an externally appointed Chairperson, is far less likely to be susceptible to the internal politics and influences that have removed the existing BOE from its role in the governance process thereby allowing its members to better place the interests of Hawaii's public school students and their parents above all other considerations.

"This measure would also align the DOE governance structure with the exciting reforms that are taking place throughout the public school system through the next DOE Strategic Plan and the federal Race To The Top initiative upon which it is to be based.

"While there is an increasing awareness of the Race to the Top initiative in which Hawaii is now competing, far fewer people appreciate the implications of that initiative or the fact that it is to become the "backbone" of the Department of Education's next Strategic Plan.

"The unprecedented reforms currently being implemented at the school level will dramatically increase the ability of our teachers, principals, Complex Area Superintendents and Superintendent to quickly identify the best elements of what techniques are working in our classrooms so they can be replicated.

"They will also allow our teachers and principals to adjust and reinforce those aspects that are not working as well as they should be. To be effective these reforms will require nothing short of a complete change in the culture of the DOE.

"That change of culture is absolutely essential if we are to provide ALL of our public school students with the knowledge and skills they will need to thrive in the 21st century.

"As anyone who has been a part of a large institution can appreciate, it is virtually impossible to alter an organization's culture without the driving vision and force of that change emanating from the top.

"It is as simple as this: if the reforms now being codified into the DOE's next Strategic Plan are to succeed Hawaii will need the Board of Education itself to lead the way. The time has come to realign our public education governance structure in a way that supports and reinforces the reforms already underway throughout the rest of the Department of Education.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like to cast a no vote, and could you just incorporate my words from the previous amendment discussion to this."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition to S.B. 2571 – Relating to the Board of Education. This bill requires the members of the Board of Education to be nominated, and with the advice and consent of the Senate, appointed by the Governor from lists of qualified candidates presented to the Governor by the BOE Selection Advisory Council.

"We have experienced the partisanship that Senate Conferees have had to endure this past year and so it remains to be seen if these types of antics we witnessed indeed reflect the spirit of the law regarding confirmations. It has become questionable as to whether advice and consent of the Senate helps or hampers solving the educational challenges. We must remember that we are here to help not hamper the educational system. That is why it is necessary that we create a clean line of accountability within our Education Department. We must be cognizant of the current situation our State's education finds itself in. We need to increase the amount of direct accountability for public education, and, as stated by the Administration, this measure will "create more layers and less transparency in the selection process". Thank you."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2571, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Ching, Finnegan, Pine and Thielen voting no, and with Representatives Awana, Chang, Hanohano and Mizuno being excused.

At 11:57 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2571, SD 2, HD 2

At 11:58 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m., with Vice Speaker Magaoay presiding.

UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1122-10) recommending that S.B. No. 358, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 358, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Basically what this bill does, Senate Bill 358, is it allows people to keep their firearms during times of natural disasters. This bill came about as a result of actions during Hurricane Katrina where there were documented cases of police using extreme and illegal actions to confiscate firearms from law-abiding citizens who are licensed to own those firearms.

"Mr. Speaker, I will never forget the stories that came out of Hurricane Katrina. Women being raped, the elderly being taken advantage of, people getting things stolen from them, people being attacked, and at the same time people couldn't protect themselves because their firearms were being taken from them. I can't think of any bigger tragedy than that.

"Mr. Speaker, one of our basic fundamental rights that is given to us in the Constitution is to own firearms. Firearm ownership is on the rise in the State of Hawaii and there are many people, after this recent semi-tsunami, who are starting to think about this again. What would happen when we have a crisis, when we didn't have food, we didn't have supplies coming to the islands?

"What if some type of chaos erupted and the Department of Defense used this particular law to confiscate firearms. It's always those that are not the law-abiding citizens that have used firearms, Mr. Speaker. So I think this is a very important bill and it will keep our fundamental rights to protect ourselves and our families during times of crisis."

Representative Takumi rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. In opposition. Mr. Speaker, I don't know if people are aware that in 2006, a federal law was passed by Congress and basically it says that federal officials cannot, I repeat, cannot confiscate weapons from citizens in event of natural disasters and emergencies.

"It also states in that law, that any local or state police department, which includes a safety department like the Department of Defense in Hawaii that receives federal dollars, they also cannot confiscate weapons. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 358, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Berg, M. Lee, Morita, Rhoads, Takai and Takumi voting no, and with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1123-10) recommending that S.B. No. 2409, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2409, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. Mr. Speaker, this bill arose out of just a single incident of some commercial boat operators at Molokini. The problem is the bill applies broadly to all marine life conservation districts. Not just to the Molokini area.

"It's going to require the Department to create rules which is a very lengthy and time-consuming process, at a time when they are understaffed and need to focus on preserving our marine and land resources.

"The Nature Conservancy said specifically that it would create long delays and limit the Department's ability to respond to situations. I think it's a bit of an overkill, Mr. Speaker. So it would be nice to see, as this measure goes to Conference, that it does not emerge. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2409, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Marumoto, Pine and Thielen voting no, and with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1124-10) recommending that S.B. No. 2565, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2565, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure, stating:

"Mr. Speaker, on Stand. Com. Rep. No. 1124, I rise with support. Thank you, Mr. Speaker. This bill extends the deadline for the Hawaii Civil Rights Commission to adopt new rules regarding disability discrimination to allow for conformity with new federal rules from no later than December 31st, 2010, to 12 months after the US EEOC publishes final rules in the federal registry.

"You may wonder why I'm talking about this bill being that I'm in support. Well last year, Governor Lingle vetoed SB 1183, the bill that created the deadline of December 31, 2010. In her veto message the Governor stated that, states usually amend their rules after the relevant federal agency, in this case the Equal Employment Opportunity Commission, has issued guidance on revisions to federal laws. The federal Equal Employment Opportunity Commission has not yet issued rules pertaining to changes in the American with Disabilities Act as amended in 2008, although they have recently issued a notice of proposed rulemaking.

"She also goes on to say it will be premature to ask the Hawaii Civil Rights Commission to act prior to the completion of federal rulemaking. It is also improper to ask the State to complete our rules by a date certain in the absence of knowing when the federal government will finish its rulemaking process.

"Mr. Speaker, this Legislature was so intent on flexing its muscles over the Governor that it decided to choose this issue to override, and here we are nine months later, correcting the decision made by this Legislature.

"In the history of Hawaii Governors prior to Governor Lingle, there was one veto override session, Mr. Speaker. I hope that we can learn from this and understand that through the process of testimony, and through asking for corrections like what we did here on the House Floor with amendments, that we can apply that and not have to come back and decide that we aren't going to take good ideas and move forward with them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2565, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS

COMMISSION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1126-10) recommending that S.B. No. 2726, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2726, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Har and McKelvey voting no, and with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1127-10) recommending that S.B. No. 2883, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2883, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am in opposition to this measure. On the face, this measure seems like it's a good idea. No one should be penalized for legitimately taking sick leave they have earned and accrued.

"The problem is that there are a few employees who are constantly absent from work or abuse the sick leave policy that their companies give them. Those that abuse these policies not only jeopardize this gift, but they also put a strain on their fellow coworkers.

"For instance, take a hotel. An employee absent on the Monday after a three day weekend, it is not like their coworkers can just say, 'I'll leave it until so-and-so comes back.' No, they're conscientious. Instead they pick up the slack. It's not fair to them, and again, it jeopardizes the sick leave that the company gives them. All it takes is a few rotten apples to spoil the whole barrel.

"In addition to this, I do not believe this Body should be legislating these kinds of benefits. This is the purview of collective bargaining. It's for the unions and their collective agreements, and not the Legislature. I know that amendments in Committee were made so that collective bargaining would control, but we still walk down a 'slippery slope' when we attempt to legislate these benefits. Because these changes were made, I am in opposition. I think it's potentially dangerous. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2883, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no, and with Representative Hanohano being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1129-10) recommending that S.B. No. 2390, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2390, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1131-10) recommending that S.B. No. 2811, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2811, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. What this bill does is it requires pharmacies, all pharmacies, even small 'mom and pop' pharmacies in very remote locations that few pharmacies want to go to, to be able to have all the records and prescriptions and be able to transmit prescriptions to other entities electronically.

"While to many of us, that seems like an easy thing to do, it was testified in Committee that this would really hurt those smaller pharmacies and 'mom and pop' stores, and gosh, in this time when it's so difficult to run a business in the State of Hawaii, and have a job, we're going to possibly really hurt these pharmacies that are actually acting out of good will to help these remote locations that nobody wants to go to."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition and I like to say a few words. Thank you, Mr. Speaker. With this particular bill, I'm all in support of technology and how technology can create efficiencies that don't necessarily exist currently in some of our systems. This one has to do with prescriptions, electronic prescriptions.

"The part that I have difficulty with is what we do here is we say 'shall' instead of 'may,' and when you do 'shall' instead of 'may' like my colleague had mentioned just a little while ago, that you're forcing these businesses to upgrade. We as a State, we know that technology can be much more beneficial to us in the way that we keep records, the way that we do things, and so we want to move into the 21st Century with some of the most high-tech equipment, software programs and everything like that.

"The bottom line though is, it's very difficult for us to do. We get the commitment of over $100 million for the State and so we're not moving forward with doing this. What this bill does is it says for pharmacies, that you must. You shall. So what I would prefer is language that would help the small business owner, or the businesses by saying that you 'may,' and then what you would do is leave, and doctors with the ability to choose whether they want to patronize these pharmacies that operate in a more efficient way, that make it easier for them to get their prescriptions.

"So Mr. Speaker, in this time, I think that we should be very careful of what we mandate for businesses to do even though we think that they should be heading in the age of efficiency. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I stand with reservations. Thank you, Mr. Speaker. My reservations are pretty much exactly the same as the Minority Leader. It's just the bad timing of this, in fact coupled with the bad economy. I know that we need this. I hear about it all the time through the medical community, and so I'm for that. It's just I would hope that it would not affect our small businesses that employ our people. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. I would like to just make a comment regarding timing. That is an issue, as well as cost. However due to some of the federal legislation, as well as the movement regarding the health information exchange requirements that will be required by many of the states, to have digital information available. If we do not have that available, the State could face future penalties. This was the intent of trying to move forward to make sure that we meet that goal of the federal requirement. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2811, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," passed Third

Reading by a vote of 48 ayes to 2 noes, with Representatives Finnegan and Pine voting no, and with Representative Hanohano being excused.

At 12:18 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 358, SD 1, HD 2
S.B. No. 2409, HD 3
S.B. No. 2565, SD 1, HD 1
S.B. No. 2726, SD 2, HD 2
S.B. No. 2883, SD 1, HD 2
S.B. No. 2390, SD 2, HD 2
S.B. No. 2811, SD 2, HD 2

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1132-10) recommending that S.B. No. 2371, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2371, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I just have reservations on this bill and have short comments. Thank you, Mr. Speaker. The purpose of this bill is to exempt limited benefit health insurance policies from provisions of the Insurance Code. Mr. Speaker, I think in moving forward with this bill, I just wanted to mention that the DCCA had some serious concerns about how confusing this bill will be to insurers, consumers, and regulators. I just wanted to make sure that those who will be on this Conference Committee take that into consideration. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2371, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1134-10) recommending that S.B. No. 2646, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2646, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. As an alert to the Conference Committee should this return, in looking at the testimonies from Save Our Surf and a number of other individuals and organizations, it appears as if the word, 'competitive surfing,' added in after 'recreation,' might be a problematic point of this bill. So if that could be removed, the Save Our Surf advocates are concerned that competitive surfing would mean surf contests, more than we already have, and that relates as commercialization, and reducing surfing opportunities for recreational surfers.

"One of the comments that they made was that the Hawaii surf sites are overcrowded already, and especially because there is an emergence of two recent surfing offshoot sports, those being tow surfers and stand up paddling surfers.

"So I request permission to add the particular sections as comments in the Journal specifying the particular sections that might be looked at in Conference to remove the word 'competitive.' Thank you."

Representative Berg's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2646 HD 2 SD 1. The bill looks to create surfing reserves in Hawaii for recreation and competitive surfing. "Competitive" surfing means surf contests which will take away from recreational surfers ability to enjoy the surf and reduces surfing opportunities for recreational surfing at peak times. This is unfair for our recreational surfers and will bring the State into a conflict between recreational surfers and surf contest promoters.

"There are very simple amendments to the bill that can be made so that the goal of recognizing, preserving, and protecting specific surf sites can be fulfilled.

"By deleting the word "competitive" in 3 sections, the integrity of that objective can be upheld:

DELETE "competitive" in Section 1 Line 1:
Corrected statement: Formal worldwide recognition of the designated surfing site as an area that has quality surf and significant cultural, historical and recreational, sports value;

DELETE "competitive" in Section 1 Line 3:
Corrected statement: Promotion of the long-term preservation of Hawaii surfing reserves for recreation surfing.

DELETE "competitive" in Section 2 b. Line 1:
Corrected statement: Recognize that recreational surfing in all its forms is an asset to the state of Hawaii;

"Passage of this bill equates competitive surfing interests with recreational surfing interests, thereby enabling professional contests and subordinating recreational interests to commercial interests. The proliferation of contests has been somewhat held in check heretofore by the City & County permit process. Community associations and surfers have battled to limit surf contests. It is unnecessary to even have this conversation at this time in our economically turbulent times.

"I do not believe that we want to provide an advantage for contest promoters (commercial interests) by passing this bill, thereby propelling the State into conflicts between the interests of the public (recreational surfers) and commercial interests. Thank you, Mr. Speaker."

Representative Sagum rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on the matter relating to surf reserves. After some dialog with surf reserve advocates, I was assured that the designation is similar in nature to the "historic" properties designation, but without restrictions. I was assured that the designation is merely a recognition of the major surf spots. However, my reservation relates to a future concern that the designation could interfere with cultural harvesting and fishing rights, and be used as a tool to restrict beach access and ocean recreation activities."

Representative Ching rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support. Yes, I was in the hearing as well, and when this bill was initially heard, the testimony from Save Our Surf who actually runs one of the largest professional surfing events on the North Shore, the gentleman representing Save Our Surf, and under more research on this bill I understand it doesn't want to take away any of the surfing spots from our locals. That was my original concern, always to take care of our local people and make sure that they have access to the surf as well. But I wanted to read just some testimony from the Historic Hawaii Foundation.

"This bill recognizes that surfing specifically, and water-based recreation generally are significant elements of Hawaii's culture, history, recreational economy and as such certain areas should be identified, promoted, and protected as surfing reserves by the Department of Land

and Natural Resources working in partnership with federal, State, and county departments and other organizations.

In Hawaii, surfing has occurred in Waikiki everyday for centuries and it's certainly integral to the recreational, economic, and cultural values of Hawaii and taking steps to ensure that such areas are recognized and that measures are taken to identify, nourish, and protect these areas is laudable."

"And I agree with the testimony from the Historic Hawaii Foundation, and under more investigation, I very much appreciate this bill and support it wholeheartedly."

Representative M. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 2646, SD 1, HD 2 with some slight concerns. This bill designates three Hawaii Surfing Reserves, comprising of surf breaks in Waikiki, the North Shore of O'ahu, and Honolua Bay on the Island of Maui. Our Hawaiian islands, and more specifically, the beaches of Waikiki and the North Shore of Oahu, are recognized around the world as the birthplace of surfing so it's entirely fitting to include these significant sites in Waikiki, the North Shore and West Maui as the first of our reserves.

"Hawaii's action today will serve as a global model for preserving noteworthy wave breaks and their surrounding areas. The bill recognizes that surfing is a significant part of Hawaii's culture, history, and recreation and helps to ensure that certain surf spots are promoted and protected. This bill further notes surfing's economic contributions to the State. Although surfing's spiritual and cultural roots form a big part of Hawaii's history, the sport – and the lifestyle and merchandise associated with surfing -- has also evolved into a multi-billion dollar industry that draws millions of spectators to Hawaii each year.

"Given the importance of surfing in Hawaii's cultural heritage and mythic image, I agree with the concept of designating reserves. My caution is that all our shorelines generally should continue to be public spaces available to all residents for recreation, cultural use and for spiritual rejuvenation. In many areas, our beaches and bays are used for many different activities and our laws and regulations – no matter how well-meaning or seemingly benign-- should not foster balkanization of our shorelines between public and private, recreation and commercial, or one particular use over another. Given the importance of our shorelines and ocean to public recreation and our collective well-being, maintaining free access by the public generally should be a paramount assumption of any regulation.

"I urge my colleagues to support this measure."

Representative Ward rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of SB 2646, Relating to Hawaii Surfing Reserves. The bill would designate Waikiki and certain areas of the North Shore as surfing reserves.

"The bill would serve as a formal recognition of important cultural landmarks. Fernando Aguerre, the President of the International Surfing Association, said that it was the ISA's hope that this bill would "serve as a model for preserving wave breaks and their surrounding areas throughout the world by recognizing the positive environmental, social, cultural and economic benefits of waves." Other groups have submitted testimony expressing the same hope.

"Sen. Fred Hemmings, the author of this bill, knows exactly how important surfing is to Hawaii and why it's important to so many people around the world. The *Honolulu Advertiser* called him the "father of professional surfing in Hawaii." When he was 8-years-old, he started surfing at Waikiki beach. At 12, he entered surf competitions and placed 3rd in the junior men division of the Makaha International Surfing Championships and 1st in four other years that he competed. He won the Peruvian International Championship and then the World Surfing Championship in Puerto Rico before creating various surf competitions, including the World Cup of Surfing championships with both men's and women's events and the Triple Crown of Surfing. He also co-founded the world's first professional surfing circuit, the International Professional Surfers.

"Hawaii gave surfing to the world. It's an important part of our history and culture, and it deserves to be preserved. For these reasons, Mr. Speaker, I support SB 2646."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2646, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Berg and Morita voting no, and with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1135-10) recommending that S.B. No. 2020, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2020, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I am an officer of a company that is a sublesee. Thank you," and the Chair ruled, "no conflict."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I also request a ruling on a potential conflict? My law firm represents the landowner that would be affected by this legislation. I am 'China walled' from the case," and the Chair ruled, "no conflict."

Representative Har rose then asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. As I did for the House Bill, I'd like to request permission to insert the two testimonies from the Attorney General from last year stating that he believed that this law is unconstitutional. In addition the three dockets recently in court regarding the postponement of the court hearing. Thank you."

Representative Takai submitted the following documents:

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GOVERNOR

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ATTORNEY GENERAL

LISA M. GINOZA
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APR 23 2009

April 23, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
Manager, Senate Conference Committee

VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8484
Honorable Clift Tsuji
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference Committee

Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property Meeting on April 23, 2009 at 10:15 a.m.

Dear Conferees:

The purpose of this bill is to change the process for renegotiating the amount of rent during the term of an existing commercial or industrial lease, unless expressly stated otherwise in the lease. In addition, with respect to leases of certain private agricultural lands where the lessee has made or is seeking to make improvements on the land, this bill requires

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the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five percent of the original term of the lease. The bill also prohibits the amendment of a land use district boundary Class A and B agricultural lands that meet four criteria.

Legal concerns regarding state impairment of contracts are raised by the proposed language affecting existing commercial and agricultural leases.[1]

It is well established that a retroactive law in a constitutional sense is one that takes away or impairs vested rights acquired under existing laws or attaches a new obligation, imposes a new duty, or attaches a new disability with respect to transactions or considerations already concluded. Employees Retirement Sys. v. Chang, 42 Haw. 532, 535 (1958). Generally, retrospective laws are not favored and all laws will be construed as prospective unless retrospective application is clearly intended and expressly declared, or is necessarily implied from the language used. Clark v. Cassidy, 64 Haw. 74 (1981). This principle is particularly applicable where the statute or amendment involves substantive, as opposed to procedural, rights. Clark, 64 Haw. at 77; Dash v. Wayne, 700 F. Supp. 1056 (D. Haw. 1988).

With respect to the constitutional proscription against impairment of contracts, it is a fundamental principle that obligations of a contract cannot be impaired by subsequent passage of any law. Taylor v. Taylor, 537 P.2d 483, 486 (Mont. 1975); Pulos v. James, 302 N.E.2d 768, 775 (Ind. 1973). The obligation of a contract is impaired by a law that alters the contract's terms by creating new rights or imposing new conditions or different liabilities. Northern Pacific Railway v. Duluth, 208 U.S. 583, 590 (1908). "Any law which changes the . . . legal effect of the original parties, giving to one greater or the other a less interest or benefit in the contract, impairs its obligation." Kentucky Utilities Co. v. Carlisle Ice Co., 131 S.W.2d 499, 504 (1939). See also Anthony v. Kualoa

[1]The United States Constitution states, in part, that "[n]o state shall . . . pass any . . . law impairing the Obligation of Contracts . . . ." U.S. Const., Art I, § 10, cl. 1. ("Contracts Clause")

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Ranch, Inc., 69 Haw. 112, 119-24 (1987) (law, enacted after lease executed, that required lessors to pay, at the sole option of the lessees, for improvements built upon the leased premises in order to get the leased premises back, substantially impaired the contractual rights of the parties and was unconstitutional).

> The importance of protecting the obligation of contracts from all legislative action tending to its impairment has been emphasized by the Supreme Court of the United States. That high tribunal has stated that the inviolability for contracts and the duty to perform them, as made, are at the foundation of all well-ordered society that, to prevent the removal or disturbance of these foundations was one of the great objects for which the Constitution was framed, and that it is one of the highest duties of that court to take care that the prohibition should neither be evaded nor frittered away.

16A Am. Jur. 2d Constitutional Law § 694 (1979) (emphases added).

However, because states are vested with authority to safeguard the vital interests of their residents, the impairment clause is liberally construed and prohibits only unreasonable impairment. Id.; Energy Reserves v. Kansas Power & Light, 459 U.S. 400, 409 (1983). Reasonableness is determined by whether the law addresses a legitimate end and whether the measures taken to reach that end are reasonable and appropriate. It is important to recognize that the power of a state to modify or affect the obligation of a contract under the state's protective powers is not without limit. "Yet the contract clause limits otherwise legitimate exercises of state legislative authority, and the existence of an important public interest is not always sufficient to overcome that limitation." United States Trust Co. v. New Jersey, 431 U.S. 1, 21 (1977). See also El Paso v. Simmons, 379 U.S. 497, 506-9 (1965).

As noted above, this bill appears to intrude upon renegotiations of lease rent by interjecting, unless otherwise stated in the lease, its construction of "fair and reasonable annual rent" in commercial or industrial leases to mean that

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"rent shall be fair and reasonable to both the lessor and the lessee to the lease." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 3-5. Unless otherwise stated in the lease, this bill also imposes a new requirement in such lease rent renegotiations that they include consideration of the "past renegotiation practices and policies throughout the previously renegotiated lease rents, the uses and intensity of use of the lease property during the term of the lease approved by the lessor, the surface and subsurface characteristics of the leased property and the surrounding neighborhood on the renegotiated date, and the gross income generated by the lessees on the renegotiated date." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 8-18. In addition, this bill provides four factors in defining "commercial or industrial leasehold property" and also defines "lease".

With respect to leases for agricultural lands, this bill intrudes upon leases of certain private agricultural lands by requiring the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five per cent of the original term of the lease. S.B. No. 764, S.D. 2, H.D. 2, page 7, lines 9-20. The bill's provisions as to agricultural leases only concern revisions to the term of the lease and our views on these provisions are discussed at the end of this letter.

Despite the customary deference accorded to social and economic legislation, laws altering the rights and obligations of contracting parties must be reasonable and necessary for the public purpose for which they were enacted. Allied Structural Steel Co. Spannaus, 438 U.S. 234, 244 (1977), Applications of Herrick & Irish, 82 Haw. 329, 922 P.2d 942 (1996). While section 1 of this bill describes the need to strengthen and diversify Hawaii's economy, there is no evidence that this bill will achieve the stated purpose to stabilize the economy by addressing some of the alleged vague or onerous provisions of existing commercial and industrial leases. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 11-19. For example, the four factors of "commercial or industrial leasehold property" do not necessarily identify how they are linked to a benefit for the business tenants in Oahu's urban center, as opposed to those in the Ewa region or central Oahu, as stated in section 1 of the bill. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 1-10. A lessor in Kapolei

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could meet those four factors, thus owning property that falls within the definition "commercial or industrial leasehold property", and be subject to the requirements of this bill.

On the other hand, a lessor in Mapunapuna with fewer than fifty thousand square feet would not meet the fourth factor and not own property that falls within the definition of "commercial or industrial leasehold property", and thus not be subject to the requirements of this bill.

In addition, the third factor, regarding a lease with a term of ten years or more and an unexpired term of five years or more, could apply to various recent leases in the Ewa region or central Oahu, whereas section 1 of the bill appears to focus on urban communities which historically have housed small commercial or industrial businesses. S.B. No. 764. S.D. 2. H.D. 2, page 2. lines 19-21 ("Thus, maintaining close geographic ties between small businesses and the communities they serve is a public purpose that requires legislative support.")

In summary, it is unclear how focusing the definition of "commercial or industrial leasehold property" on the nature of the lessor is sufficiently tailored to the bill's stated purpose of easing burdensome lease provisions on lessees. S.B. No. 764, S.D. 2, H.D. 1, page 3, lines 3-5.

At this time, it is unclear from the record how pervasive the alleged problem is, or the actual number of commercial and industrial leases affected by this bill, or how the bill's proposals actually benefit urban businesses. The government must use the least intrusive means to achieve its goals. It is not free to impose a drastic impairment when an evident and more moderate course would serve its purposes equally well. United States Trust Co. v. New Jersey, 431 U.S. at 31.

Legislation impairing commercial or industrial leases would be more defensible if based on articulated findings of need, demonstrated evidence that the proposed legislation will achieve the stated purpose, and explanation that no lesser remedy (such as arbitration, mediation, or litigation) is available. The bill's proposed definition of "commercial or industrial leasehold property" seems focused upon lessors and does not appear to be "a reasonable and narrowly-drawn means of promoting

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April 28, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
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VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
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VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
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VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference Committee

Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property Meeting on April 28, 2009 at 10:15 a.m.

Dear Conferees:

We supplement our letter to you dated April 23, 2009, and note our additional concern that the proposals of S.B. No. 764, S.D. 2, H.D. 2, may impair private contracts and constitute

the significant and legitimate public purpose." Applications of Herrick & Irish, 82 Haw. 329, 340, 922 P.2d 942, 953. Consequently, it appears this bill may violate the Contracts Clause and be found unconstitutional.

With respect to section 5 of part II of this bill, we raise the same concerns regarding state impairment of contracts. To the extent the bill intrudes upon renegotiations of lease rents for certain private agricultural lands, such intrusion is subject to the same analysis used for part I of the bill regarding commercial and industrial leases. Section 4 of the bill justifies the intrusion and Section 5 appears to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose. However, as with part I of the bill, the state impairment of private agricultural leases may be subject to challenge.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

"takings" which gives rise to a right to receive compensation from the sovereign. A compensable regulatory taking occurs when governmental agencies impose restrictions that either 1) deny landowners of all economically viable use of their property, or 2) unreasonably interfere with landowners' rights to use and enjoy their property. Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 933-35 (Tex. 1998).

A regulation may go so far in imposing public burdens on private interests as to require compensation. In deciding whether regulatory action goes "too far", three principles known as the Penn Central factors have emerged: 1) the "economic impact of the regulation on the claimant"; 2) "the extent to which the regulation has interfered with distinct investment-backed expectations"; and 3) "the character of the governmental action". Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978). Penn Central does not supply mathematically precise variables but instead provides important guideposts that lead to the ultimate determination whether just compensation is required. Whether a regulatory taking has occurred, "depends on a complex of factors including" the three set out in Penn Central. Sheffield Dev. Co. v. City of Glenn Heights, 140 S.W. 3d 660 (Tex. 2004). The analysis "necessarily requires a weighing of private and public interests" and a "careful examination and weighing of all the relevant circumstances in this context." In considering a regulatory takings issue, a court will "consider all of the surrounding circumstances" in applying "a fact-sensitive test of reasonableness." Sheffield at 670-72.

A court must satisfy itself that the legislature's "adjustment of 'the rights and responsibilities of contracting parties [is based] upon reasonable conditions and [is] of a character appropriate to the public purpose justifying [the legislation's] adoption.'" Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470, 505 (U.S. 1987). As we have stated previously, the proposals of S.B. No. 764, S.D. 2, H.D. 2 do not appear to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose in protecting certain commercial or industrial leasehold property, or certain private agricultural lands. As such, in addition to the bill's proposals possibly violating the Contracts Clause and being

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Conferees on S.B. No. 764, S.D. 2, H.D. 2
April 28, 2009
Page 3

found unconstitutional, the proposals may also constitute "takings" that give rise to a right to receive compensation from the sovereign.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

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Case 1:09-cv-00375-SOM-KSC Document 70 Filed 02/19/10 Page 2 of 4

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT Properties Trust, *et al.*,	) CIVIL NO. 09-0375 SOM/KSC
Plaintiffs,	)
v.	) PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67]; DECLARATION OF BRUCE D. VOSS; EXHIBITS 1-5; PROPOSED ORDER GRANTING PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67]; CERTIFICATE OF SERVICE
Linda Lingle, in her official capacity as Governor of the State of Hawai`i,	)
Defendant,	)
and	)
Citizens for Fair Valuation,	)
Intervenor-Defendant.	)
	) NON-HEARING MOTION

PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10]

Plaintiffs HRPT Properties Trust and its affiliate companies, by and through counsel, move this Court *ex parte* for an order advancing the hearing date of Plaintiffs' Motion for Summary Judgment, filed February 17, 2010. (*See* Doc. 67.) Plaintiffs' Motion for Summary Judgment is currently scheduled to be heard on May 10, 2010, at 10:30 a.m. before the Honorable Susan Oki Mollway. (*See* Doc. 69.)

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Case 1:09-cv-00375-SOM-KSC Document 70 Filed 02/19/10 Page 3 of 4

In this case, Plaintiffs seek a declaratory judgment that Act 189 of the 2009 session of the Hawai`i Legislature violates the Contracts Clause and six other constitutional provisions, and is therefore unconstitutional. By its terms, Act 189 expires on June 30, 2010. (*See* Ex. 1.) At the urging of Intervenor-Defendant Citizens for Fair Valuation, the Legislature is currently considering two bills, Senate Bill No. 2020 and House Bill No. 2284, to extend the Act. (*See* Exs. 2-3.) The 2010 legislative session, however, is scheduled to end April 29, 2010, more than a week before the current May 10, 2010 hearing date. (*See* Ex. 4.)

Disputes regarding the constitutionality of Act 189 have affected and will continue to affect legislative consideration of Senate Bill No. 2020 and House Bill No. 2284. For example, the Senate Committee on Commerce and Consumer Protection recently issued a report supporting a five year extension of the Act and listing HRPT's "filing of a lawsuit in federal district court challenging the constitutionality of Act 189" as a reason for the Act's extension. (Ex. 5 at 2.) Advancing the date of the hearing would assist and provide guidance to the Legislature and the parties by allowing the Court to consider the constitutionality of Act 189 before the legislative session ends.

Plaintiffs have been informed by this Court's courtroom manager that hearing slots are potentially available to hold a hearing on a motion for summary judgment on April 5, 2010 and April 12, 2010, should the Court in its discretion

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elect to advance the hearing date. If the Court were to advance the hearing to the earliest possible date of April 5, 2010, Defendants would have until March 15, 2010, nearly a month from now, to prepare their responses to HRPT's Motion for Summary Judgment.

Plaintiffs therefore respectfully request that this Court advance the hearing to a date before the end of the legislative session.

This motion is made pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.2, and is based upon the Declaration of Bruce D. Voss attached hereto.

Dated: Honolulu, Hawai`i, February 19, 2010.

/s/ Bruce D. Voss
Bruce D. Voss
Ryan H. Engle
Matthew C. Shannon

Clifford M. Sloan
David W. Foster

Attorneys for Plaintiffs
HRPT Properties Trust, *et al.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HRPT PROPERTIES TRUST, *et al.*, Plaintiffs, vs. LINDA LINGLE, in her official capacity as Governor of the State of Hawai'i, Defendant, CITIZENS FOR FAIR VALUATION Intervenor-Defendant	CIV. NO. CV09-0375 SOM KSC

INTERVENOR CITIZENS FOR FAIR VALUATION'S MEMORANDUM IN SUPPORT OF EX PARTE MOTION TO CONTINUE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [#67] AND FORTHCOMING COUNTERMOTIONS FOR SUMMARY JUDGMENT TO BE FILED BY DEFENDANT AND INTERVENOR-DEFENDANT BY ONE WEEK (TO MAY 17, 2010) AND OPPOSITION TO PLAINTIFFS' MOTION TO ADVANCE TIME [#70]

This Honorable Court has scheduled the hearing on Plaintiffs' Motion for Summary Judgment for Monday, May 10, 2010 at 10:30 a.m. [#69]. On Friday, February 19, 2010, Plaintiffs filed an *ex parte* Motion to Advance the Hearing Date [#70], arguing that an earlier hearing and ruling by this Court "would assist and provide guidance to the Legislature." Intervenor-Defendant CFV opposes this

Motion and requests that the Hearing be set for Monday, May 17, or as soon thereafter as is convenient for the Court, for the reasons that follow.

After this Honorable Court's Order of December 22, 2009, the parties engaged in discussions regarding discovery, but they were not able to reach any agreement. In paragraph 11 of Mr. Voss's Declaration he refers to his "understanding" of those discussions, but he is incorrect in indicating that any consensus or agreement had been reached. Because no agreement was possible, the parties held a Status Conference in front of Magistrate Judge Chang on Monday, January 25, 2010, where he explained the scope of discovery for the parties. Pursuant to that clarification, Plaintiffs noticed and took the deposition of Michael Steiner on Tuesday, February 9, 2010, and Intervenor-Defendant CFV have noticed the deposition (by video conference) of David Lepore to be taken on Thursday, February 25, 2010. On Wednesday, February 17, 2010, Plaintiffs filed their Motion for Summary Judgment, and attached a series of Declarations and documents purporting to provide information relevant to this Court's Order of December 22, 2009. This new information is now being evaluated by the other parties, and further depositions or other discovery may be necessary in light of this new information. The deposition of Mr. Lepore may also produce new information that may require further discovery requirements. The discovery process is thus still evolving, and any advancement in the hearing date will

interfere with the efforts of all the parties to complete the discovery required by this Court's Order of December 22, 2009.

The lead attorney for Defendant Governor Linda Lingle, Mr. Girard Lau, has been on travel leave in recent days, and is due to return to the islands on Thursday, February 25. He has not been available, therefore, to evaluate the Plaintiffs' Motion for Summary Judgment or the new information accompanying that filing, and will need time after his return to engage in this evaluation and to decide whether the interests of his client require further discovery.

In January 2010, the lead attorney for Intervenor-Defendant CFV, Mr. Jon M. Van Dyke, accepted an invitation from the Maritime Institute of Malaysia to give a presentation in Kuala Lumpur, Malaysia, on issues related to the delimitation of the continental shelf in the South China Sea at a conference scheduled for May 10-11, 2010. Because of this conflict, Intervenor-Defendant CFV respectfully requests this Court to schedule the Hearing on Monday, May 17, 2010, or as soon thereafter during that week as would be convenient for the Court.

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ Jon M. Van Dyke
Jon M. Van Dyke

Sherry P. Broder
Jay M. Fidell
Keith S. Agena
Attorneys for Intervenor
Citizens for Fair Valuation

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Attorneys for Defendant
LINDA LINGLE, in her official
capacity as Governor of the State of Hawaii

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT PROPERTIES TRUST and affiliate companies: MASTER PROPERTIES LLC, a Maryland limited liability company, ROBIN 1 PROPERTIES LLC, a Maryland limited liability company, TANAKA PROPERTIES, LLC, a Maryland limited liability company, LTMAC PROPERTIES, LLC, a Maryland limited liability company, [Caption Continues]	NO. CV 09-0375 SOM/KSC LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010; CERTIFICATE OF SERVICE

TSM PROPERTIES LLC, a Maryland limited liability company, and Z&A PROPERTIES LLC, a Maryland limited liability company, Plaintiffs, vs. LINDA LINGLE, in her official capacity as Governor of the State of Hawaii, Defendant.	[Non-Hearing Motion]

LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010

Defendant Linda Lingle, in her official capacity as Governor of the state of Hawaii ("Governor Lingle"), by and through her attorneys Mark J. Bennett, Attorney General, and Deborah Day Emerson, Girard D. Lau, David A. Webber and James C. Paige, Deputy Attorneys General, believes that the hearing date should not be advanced and that the May 10, 2010 hearing date currently scheduled by the Court is appropriate. That date will allow the parties sufficient time to complete any necessary discovery, for the defendants to file their respective

cross motions for summary judgment, and for the parties to otherwise fully brief this matter for the Court.

DATED: Honolulu, Hawaii, February 23, 2010.

MARK J. BENNETT
Attorney General

/s/ David A. Webber
DEBORAH DAY EMERSON
GIRARD D. LAU
DAVID A. WEBBER
JAMES C. PAIGE
Deputy Attorneys General

Attorneys for Defendant
LINDA LINGLE, in her official
capacity as Governor of the
State of Hawaii

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFF HRPT'S EX PARTE MOTION TO ADVANCE HEARING DATE was served on the following at their last known addresses:

Served Electronically through CM/ECF: Date: February 23, 2010
bvoss@legalhawaii.com
mshannon@legalhawaii.com
rengle@legalhawaii.com
cliff.sloan@skadden.com
david.foster@skadden.com
robryn.carr@skadden.com

jvandyke@hawaii.edu
sherrybroder@sherrybroder.com
fidell@lava.net
KSA@bfsl.com

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ David A. Webber
Deputy Attorney General

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"Just a ruling on a possible conflict, Mr. Speaker. I own several leasehold properties. Thank you," and the Chair ruled, "no conflict."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my strong reservations on this bill. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2020, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Berg, Brower, Carroll, Coffman, Har, C. Lee, Luke, Saiki, Takai and Wakai voting no, and with Representative Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1136-10) recommending that S.B. No. 2817, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2817, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1138-10) recommending that S.B. No. 2491, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 2491, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1144-10) recommending that S.B. No. 2523, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2523, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1145-10) recommending that S.B. No. 2527, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2527, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

At 12:26 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 1145, may I give some comments please. Thank you, Mr. Speaker. I do rise with some reservations on this particular bill.

"Mr. Speaker, generally speaking I understand why the Department of Agriculture and the Chair of Agriculture want to move this bill forward and create self-sustaining special funds. But one of the things that I can't get over is some general comments that were made by, I think it was Lowell Kalapa of the Tax Foundation.

"My reservation is not necessarily addressing the need for this kind of committed funding in a special fund. My reservation is more that as we move forward and we talk about core services, that when these different funds are made, and then what happens is you have money that is pretty much autopilot spending. So you cannot look at a particular service that we do, or a government responsibility and create a comparison of what your priorities are across these services and whatever we supply as a government.

"So we're taking a look at these. We're not prioritizing. We're saying to setup these specials funds so that they're self-sustaining. And I understand why we're doing this because of the different cuts we made because of the economy.

"But in the same breath, we're not moving forward with defining what our core responsibilities are. Making sure that those core responsibilities are funded, and the core services are funded. Mr. Speaker, the more that we do this and we take little funds and set this up outside of the general fund budget, then I think the more that we're not being transparent to the people of Hawaii, and the more we don't prioritize what services we are going to provide for Hawaii.

"So Mr. Speaker, I do stand with reservations, as well as knowing that when you do start a special fund that we need startup funds for the special fund. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I believe this deals with the two funds. I have reservations on this particular measure, and in particular, I don't like taking money from the Agriculture Loan Fund because generally, farmers take out loans and repay them, the money should be going to a revolving fund to be used for other loans.

"I believe in this case it is being used to pay staff, salaries and fringe benefits. So I really object to this diminution of the loan money that is available to the agriculture community. This is just to express my reservations. Thank you."

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I would like to offer comments in rebuttal. In strong support. Thank you very much, Mr. Speaker. In regards to the necessity to funding for inspections and certifications, if you recall from last year, about 50 or so inspectors were laid off or RIF'd. About half were reinstated because of the necessity to the economy of agriculture, and the economy to the State of Hawaii.

"In referring back to about what the public feels, and how they feel, in referring to the various stages of public hearings and Committee hearings we had, testimonies stressed how important and crucial it is to farmers to have such inspectors reinstated.

"Take for example on the Big Island. The Big Island coffee growers, and the Big Island individual farmers have attested that they are worried because we don't have timely inspections. The inspections are inadequate to access the inspections of their green coffee beans, where coffee must be certified. Sometimes it takes between an hour and a half, to two hours to travel to these inspection stations to have their products inspected.

"Additionally, here on the Island of Oahu and also on the Island of Hawaii, when it comes to coffee and papaya inspectors, these fruits that

have been picked and are subject to inspections, are now also susceptible to over-ripening if we don't have inspectors there on a timely basis. The fields that we do certification, this schedule will cause delay and delivery to the products from the farmers to the customers.

"When we talk about inspections, we are not only talking about inspections for agriculture. What talk about what affects the interisland exports, the international exports, and this is an ever-growing industry. The demise of agriculture has been continuous and downward in its trend, and this bill is very important to the agriculture industry. Thank you very much, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Still in support with reservations. I just want to make it very, very clear that what the previous speaker from the Big Island is speaking about, I agree with. The problem that we have in the Legislature, and the reason why I bring this up is because when we talk about core functions, or we talk about core services, that we should do it in a transparent manner. Make our arguments to, and reflect our budget and change our budget to reflect the importance of what we need in Hawaii.

"What this does is, it's less of a transparent way of operating, Mr. Speaker. We have so many special funds that operate this way, and I understand the need for them. I'm not saying that I don't understand the need for this, but if we say that it is important, then we fund it in the budget and we stop. Because who knows, maybe ten years down the line, there may be priorities that shift. And what happens is we create these things that are important today that may not be important ten years from now, but it will be on this automatic funding, automatic pilot.

"And remember that it is the farmers that, yes they may be okay with increasing these fees and taking on this responsibilities themselves, but the challenge is, if there are a lot of farmers on the Big Island, then Big Island consumers that buy those fruits and vegetables and coffee beans and whatever, their prices are going to increase because these farmers aren't going to be the ones to just suck up this extra fee. They're going to have to pass it on.

"So Mr. Speaker, you know it's just that what we need to do is convince our own House of Representatives to fund it. If it is important for the ag industry, and especially if the ag industry is coming out in strong support saying that this is what's going to help with our exports out to the different nations and the United States. So make a commitment Mr. Speaker, and that's how we should do it. Thank you."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you. I just want to point out that we never heard any testimony from any businesses against these special funds. We only heard opposition from the Governor's Office, and yet the reason that this bill is so important is because the Governor cut the Department of Agriculture's budget, the general funds, by 44%.

"So the reason that we're passing this bill is it is so essential to our local businesses; to our agricultural community and to all our farmers. It is so essential in fact, that the businesses themselves are asking to be taxed and charged to establish this special fund. May I also submit written comments? Thank you."

Representative Wooley's written remarks are as follows:

"I just want to thank the Chair of Agriculture, his staff, my staff, and the many people who have worked on this bill. It is because of their efforts that agriculture in Hawai'i still has a chance to thrive. And without this bill, the budget cuts to the Department of Agriculture would cripple our hopes of promoting locally grown food, farming, and the entire agricultural industry."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of the bill. I disagree with what I heard from the Minority Leader. You know, there are definitely some philosophical differences and I would say that anyone that has stood before the Ways and Means Chair, as well as our House Finance Chair knows that they're very good at setting priorities. You have to justify what is going to be put in the budget and spent on programs. I believe that special funds do serve a great purpose in terms of transparency in setting priorities.

"It's very clear that the Chair of Agriculture rose to the occasion when he saw that these positions got cut, and the impact that it had. People were calling us saying they don't want invasive species in Hawaii. They don't want our agriculture industry to be ruined. We need inspections if we're going to send things out of this State, so we were in a crisis mode.

"So this idea of the special fund really addresses the fact that it is a priority. We need to look at how we're going to fund this and how to keep that priority clear in everybody's minds. So this special fund is more transparency, and more of a priority setting than what was said by the Minority Leader. Thank you."

Representative Tsuji rose to respond, stating:

"Thank you, Mr. Speaker. Just a few comments. I must say that I do agree with the observation of the Minority Leader; the need for more transparency, and because of the importance of this, if we consider this very important, that it should be included in the budget. I want to thank this Body because in our House budget bill, under general funding for agriculture, there are allocations for about 57 positions for inspectors so they can do their job in agriculture throughout the State of Hawaii. This is in our House Draft of the budget. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2527, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 12:39 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2371, SD 2, HD 1
S.B. No. 2646, SD 1, HD 2
S.B. No. 2020, HD 2
S.B. No. 2817, SD 1, HD 1
S.B. No. 2491, SD 2, HD 1
S.B. No. 2523, SD 2, HD 2
S.B. No. 2527, SD 2, HD 2

At this time the Chair announced:

"Just to let you know, the Senate has finished their Order of the Day as of 11:15 this morning. So just letting you know."

At 12:39 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1147-10) recommending that S.B. No. 2501, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2501, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I need a ruling on a potential conflict. I'm a CPA and my firm also does peer review," and the Chair ruled, "no conflict."

Representative Choy then stood in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker, it is the intent of this bill to require fair and equitable administration of mandatory peer review for all firms practicing public accountancy in Hawaii, including the Hawaii offices and Hawaii engagements of foreign and multi-state CPA firms. The Hawaii peer review requirement cannot be met by having an out-of-state office of the foreign or multi-state CPA firm peer reviewed. This policy, made by this Legislature, is necessary for the protection of the residents of the State of Hawaii. The analogy given in testimony of a nationwide restaurant chain getting a health inspection of its New York restaurant and using that to pass a health inspection of its Hawaii restaurant is a compelling reason as to why the Hawaii offices and Hawaii engagements of a foreign or multi-state CPA firm must be peer reviewed for the protection of the public.

"Mr. Speaker, your Committee on Finance in its Committee report suggested that when adopting administrative rules pursuant to section 7 of this bill, the State Board of Public Accountancy may consider the circumstances under which audit engagements of publicly traded companies subject to oversight by the Public Company Accounting Oversight Board may be excluded from peer review under section 5 of this bill. I believe that this discretion should be considered carefully by the Hawaii State Board of Public Accountancy. If the Public Company Accounting Oversight Board or any federal government authority imposes sanctions on a firm for work performed on a Hawaii attest or non-attest engagement, including Hawaii publicly-traded companies, the Board should investigate the matter and determine whether additional sanctions or remedial measures are warranted for the protection of Hawaii's consumers."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition. I can't find my notes so it'll be a short speech. I have to be in opposition because some of the larger firms do their own peer review. The way they do it is, they have one partner usually in charge of quality control.

"In addition, they contract with an independent peer reviewer that probably works for another large firm, and the way they do that is they do the peer review on the entire firm. So if a multi-state company has 100 offices across the country, they may look at examining, let's say 20% of the offices. That's quite a stringent review and the entire firm passes, so I don't think we need this kind of a local review.

"Generally, a larger company has to do this review because you have to maybe travel to other states, visit maybe 20 offices or so, two dozen offices. The cost of these peer reviews is about $100,000 and these are done by the standards of the American Institute for CPAs.

"In addition to this review, they have an annual oversight committee that looks at all the jobs they do on companies that are publicly traded and governed by the SEC. So this would be an additional burden on these large companies.

"At one time, there were maybe eight large multinational, multistate companies. They were called the 'Big Eight' CPA firms. It went down to seven. It went to six. Then down to five. I think there may be four left standing. PricewaterhouseCoopers left Hawaii, or they closed their offices here although they still operate here from the regional office on the mainland, but we're down to three here. We would hate to see these offices close because they're fairly large and may employ 50 or 75 people. But you know, they operate under a very rugged set of rules which is called for by their national office headquarters.

"So I don't think this bill is really necessary. I think it's going to move despite my vote, but I just wanted to express my unhappiness with this particular measure. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Mr. Speaker, this bill is very timely. Peer review is very necessary particularly in view of what happened recently with financial meltdown, where Wall Street, Main Street, and both ends of Pennsylvania Avenue by report of which the accounting profession which helped 'cook the books' to make this happen should be held accountable.

"Peer review is the way to do that, however this bill puts us out of step with the other 48 states that have firm review rather than peer review, which means you have to count every little bean, rather than the basket if you're a big firm.

"So in effect, what we've got here, we're taking sides with the little guy which is good, but I think this is a professional organization, and professional organizations police themselves.

"I would hope those who are accountants within this Body and the others who can be peacemakers will be able to put the parts together between the 'big boys' and the 'small guys,' and have a peaceful accounting profession hereafter. So this is a beginning hopefully, of the discussions that will be peace on the balance sheets. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With strong reservations and some words. Thank you, Mr. Speaker. You know Mr. Speaker, this is about peer review for accountancy firms and offices.

"At first, when I took a look at it, I had arrived at the hearing a little bit late and I remember going really quickly through all the testimony and going, 'Oh, everybody is in support of peer review.' But then at that particular hearing, the testimony on that bill and the questions being asked took a very long time. I think it was maybe even an hour or so, or longer. And I thought, 'Well, how can this be when all of the testimony says that they're supportive of the concept of peer review?'

"And when after really listening in and reading the testimony carefully and meeting with people, I realized what the difference was. The difference was that when you have an accounting company here in Hawaii, that all offices should be peer reviewed, including these multistate firms.

"And one of the questions that happened in Committee was that there's no other state that is actually doing this. Where you can have national firm and make that national firm have a peer review on their local office. They do have peer reviews, but those peer reviews are for the whole national firm, whether or not you actually do the peer review in Hawaii.

"So I thought, 'Okay. Well, where is this coming from?' I tried to do a little bit more research here and there, and one of the things that was brought up was Washington State. That one of the things that was brought up was that all of the states, 50 of the states, don't have this requirement to do a local office peer review. And one of the questions that had come up was there was one state that did this. This local office peer review for multistate agencies and this was Washington State.

"Mr. Speaker, then I also received a letter from the Board of Accountancy of the State of Washington and it talks about what had happened over the years. They did have a policy that stated that they were going to require that the local office be peer reviewed.

"And it states that their criteria was that the peer review must have included a review of the firm's Washington practice, or the report must have included a detailed description of the peer review activities performed on the Washington practice.

"And then it further says that what they did was, and this was following the whole Enron scandal so they tried to put something in place to 'hunker down' on the language and make sure that things were done not only fairly,

but appropriately. That there was no 'hanky panky' being done with accounting practices.

"And then in July of 2007, it says that they reversed the policy and I'll read from what it says in here. The Board ultimately eliminated the specific Washington location requirement based upon recognition of three principal factors. One, the quality control centralization that was occurring in both the technical, as well as monitoring processes of firms licensed in multiple states. Two, the PCAOB processes in effect for the public reporting side of the firm's practice. And three, the fact that under the pricing model of most firms, the additional costs associated with the site specific requirement would pass through to the consumer for no incremental benefit to the state's consumers because of items one and two.

"Mr. Speaker, everybody that was in the Committee hearing agreed that we needed peer review. The only problem is there were quite a large group of members that basically said that you don't need to be driving out those large firms that do have offices in many states because they do employ local people, and because the work that they do is not the kind of work that our other firms locally can do because the jobs are so big.

"Mr. Speaker, I think that for Conference Committee and moving forward that we should really take a look at that language. If we're the only state in the nation that is moving towards doing this local office peer review, I think that that's the wrong direction. The wrong direction for local offices and the jobs for the people that they employ, as well as making it business unfriendly in the State of Hawaii. Thank you."

Representative Choy rose to respond, stating:

"Thank you, Mr. Speaker. I just don't know where to begin. In rebuttal. First I'd like to rebut the statements made by my colleague on my left here, from Waialae.

"She talked about an inspection process that only the large firms go through. The local firms also have their own internal inspection process, and that is required by our standards. The local firms also go through an independent peer review just like the 'big boys' do, according to our standards. So as far as that is concerned, we are on equal footing.

"Now, from the good gentleman from Hawaii Kai, I agree with him; that it is the 'big boys' who 'cook the books,' and they're the ones that are going to be probably faulted for the current mortgage meltdown. So I think more peer reviews for these particular individual firms is more important than for the little firms. The little firms Mr. Speaker, do not make the headlines. It's the large firms that make the headlines and they require more review.

"As far as the statement that no other state in the country requires this, I just checked this morning with another peer review from Washington, and the Minority Leader is correct. They used to have a policy to require out-of-state offices to be reviewed. But when I talked to my colleague from Washington State, he said that he did multiple multistate firms during the last five years. So it is something that should be considered. And since it was considered in Washington, we should consider it again for the State of Hawaii, and for the protection of the residents of the State of Hawaii. Thank you, Mr. Speaker."

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I did not mention that I need a potential conflict ruling. My husband worked for a large firm, but he's been retired for 15 years. Thank you," and the Chair ruled, "no conflict."

Representative Marumoto continued, stating:

"To the esteemed Representative from Manoa, I wish to say that I did not intimate that small firms did not have a peer review process. I'm glad that they do and I feel that it's necessary. There should be more peer review.

"And he mentioned that the 'big boys cook the books.' Well I think he's referring to the Enron situation, and Arthur Andersen duly paid for their indiscretion in this. It probably was a few people in one office, but all the partners and all the employees of the firm eventually had to pay for this. It was a real tragedy, but you know, that's what happens.

"I don't think we should enact this legislation. I just think we shouldn't because there has been no evidence of unique problems in Hawaii which would require creating a new peer review process, and not using the AICPA's peer review standards. So just in passing again, please look carefully at this measure before you vote. Thank you."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I am still with reservations. Just one point that the Washington Board of Accountancy did eliminate the section of policy that required these peer reviews for the local offices on July 27, 2007. Almost three years ago."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Marumoto voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1149-10) recommending that S.B. No. 2842, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2842, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes. I am in support with reservations and have just a couple comments. In 1996, a tax called the Generation Skipping Transfer Tax was created, and basically what this did was if a wealthy individual left a large amount of their trust to a grandchild, they would have to pay a substantial tax. And of course we said, 'Okay. They're wealthy so that's okay.'

"However what this did for our State was that a lot of wealthy families were keeping all of their assets in other states that didn't have this tax. The Act also required if you developed a trust, that you would have to close that trust with your family after a certain amount of years, and that's what closed down Campbell Estate.

"And so the reason why I support this bill is it eliminates that transfer tax to your grandchildren and others. But my reservation is that we still have a 1% tax on the transfer, so it's not completely eliminating the tax.

"What I'm concerned about is when it goes to Conference is, lots of things happen in Conference. And as First Hawaiian Bank testified in Committee, they would much rather prefer just no tax on this because many states are already doing that, and we're not being competitive enough to bring these assets to our State. This also leads to investment. It leads to better banking bonds. And it also leads to people moving their families here and all of their assets to Hawaii, and that will benefit us as a state, as a whole.

"And so as First Hawaiian Bank said in testimony, I really hope that we don't go above the 1% because we really will not be competitive at all."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just in support, but have the same concerns as the speaker before me, as well as hoping that we can be more competitive with just not charging a tax at all. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you. Reservations, with the same concern. Thank you."

Representative Rhoads rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. The Generation Skipping Tax occurs at the federal level and was put in because no taxation was occurring at all for generations and generations, and to say that the Generation Skipping Tax is a bad thing, I think, is really un-American. I mean, if some people are going to have to pay tax, then everybody should have to pay tax. Wealthy families never paying taxes is not good policy. Thank you."

Representative Pine rose to respond, stating:

"Mr. Speaker, I just don't think it's American to tax people who give assets when they die to their families. When we sell things, okay, let's pay a tax. But why when someone works so hard and they just want to pass their dreams over to their children or grandchildren. Why are we taxing that?

"They've already been taxed on their income. They've already been taxed on their business, and now we're taxing them on their inheritance. I'm sorry I just had to rebut that comment."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, I think the previous speakers, all of them should read this particular bill and understand it. This is not a tax avoidance trust. This is an asset protection trust.

"And the 1% fee that we charge for the transfer of assets to this trust is because when this particular trust makes money and you're a nonresident taxpayer, you pay no Hawaii income taxes. So it's just a 1% transfer fee. It can provide estate tax and generation skipping tax protection, but that's not the purpose of this trust. The purpose of this trust is asset protection and therefore, you may get no estate tax or generation skipping tax protection.

"I think this is a very complex bill, and I could stand up here and talk for another half an hour. But I think the previous speakers should read and understand this particular trust. Thank you."

Representative Ward rose, stating:

"Mr. Speaker, will the gentleman from Manoa submit himself to a peer review?"

The Chair addressed Representative Ward, stating:

"Representative Ward, are you in support, or in opposition? Thank you. In support."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. It was First Hawaiian Bank that recommended the 1%. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2842, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Rhoads voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1150-10) recommending that S.B. No. 1230, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1230, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1151-10) recommending that S.B. No. 2165, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2165, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just in support with some reservations. Basically what this bill does is it requires training for various types of guards and agents, operatives, assistants employed in a type of guard agency. I just wanted to give a couple of concerns that were given in Committee from the Retail Merchants Association, as well as the International Association of Chiefs of Police, and the Armored Car Association.

"The armored car guards, they said, should not be instructed in powers of arrest, patrolling, and interaction with tourists. They found that that was a little excessive, and that really was not the purpose of their employment with these companies.

"In addition, it becomes apparent that security personnel or guards currently employed in the retail industry, immediately become subject to Chapter 463-7 HRS and as such, must comply with this licensure requirement despite the fact that they already have all these other training requirements and license requirements within their own professions.

"And so I'm just concerned that we're not separating these types of guards. I do believe training is very necessary, but I just don't want to overburden certain businesses."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2165, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1152-10) recommending that S.B. No. 2220, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2220, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"I'd like to ask for a ruling on a potential conflict. I have contractors in the family," and the Chair ruled, "no conflict."

Representative Thielen continued in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with some reservations on this measure. Thank you. Mr. Speaker, this bill was introduced by a Senator who is a contractor and has a company, and I hope he asked for a potential conflict. I don't know. What it does is it establishes a construction site inspection task force and this task force is to find out how they can go around and inspect construction sites to find out whether everyone is licensed.

"The thing that's difficult about this is, first of all we have several laws on the books that say if you're an unlicensed contractor and you're

apprehended, you can be fined, or you could lose your tools or even your vehicle. So I mean, things are there on the books already to take care of this situation.

"But the insult that's added to injury is that it's going to impose a fee on licensed contractors to fund this inspection task force so licensed contractors are now going to have to pay $20 for their license, in addition to a fee on their licensing where they're operating legally. The Department says that money is not going to be enough, so subsequent Legislatures or maybe the Department is going to have to raise that fee on legally operating contractors. So I think this is the wrong way to go, Mr. Speaker, and I would suggest that this bill just not emerge from Conference Committee. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2220, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1153-10) recommending that S.B. No. 2603, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2603, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1154-10) recommending that S.B. No. 2068, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2068, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I have a potential conflict on this one too. I have a granddaughter that is going to be ready to enter junior kindergarten," and the Chair ruled, "no conflict."

Representative Thielen continued in support of the measure with reservations, stating:

"I'm very proud of her, and I'm happy that junior kindergarten will be in operation in the public school system because that's where she wants to go.

"Mr. Speaker, I think this bill is heading us the wrong way. I'm voting with reservations. And I had conversations with the Education Chair on this. I really appreciate the Education Chair's concern to not implement a ban on junior kindergarten right away before the other providers are able to gear up and be ready to take junior K students.

"So the harsh effect of the bill, eliminating junior kindergartens, will not go into effect for at least a year or maybe two years. But the point is, although only one-third of the schools have implemented junior K's, that's where I think we should be encouraging the other two-thirds to go ahead.

"Mr. Speaker, what's happened is that principals and teachers to whom I've spoken with have said those students that go to junior K are so much better prepared for the actual kindergarten experience. If we leave it to the private sector, that means that people will have to be able to afford to send their children to a private junior kindergarten. That's not going to always be the case, and we won't always have government subsidies to step in and help the other students.

"So the best way to do it is to recognize the benefit of early education and to go ahead and encourage the other schools to start a junior K program. Granted they may not have the money this year, but let's at least leave the system in place so they can then, when the money is available, they can go ahead and implement that.

"It makes a huge difference in a child's readiness to learn. The experts say that, and the on-the-ground experience from what I've been told, says it in spades. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose to speak in support of the measure, stating:

"Thank you. With all due respect to my illustrious friend and colleague sitting here next to me, I do support this piece of legislation because I feel that we're going towards quality. Quality early education. I've been a longtime supporter of early education and it seems that this bill would require the DOE and the Early Learning Council to work together and to report on a plan to integrate the junior kindergarten.

"You know, the Early Learning Council did testify that only a third of our schools have adopted a variation of this J-K program, and that the findings are that the children in this program may actually be appropriately placed in a preschool setting. I just know that we do have some pretty great preschools and that they've done an excellent job.

"And you know, there are many private nonprofits and public agencies dedicated to working, getting working families access to this quality education. An example of this is the Governor's Early Childhood Education Initiative, which matched $5 million in State funds with $20 million in federal dollars. It was successful in increasing the number of slots available for low income families.

"I recognize also that our State's budget crisis has brought about many concerns. I'm a strong supporter of early education and I think that's it been a well-known fact that the more we have kids prepared for their academic program, kindergarten and beyond, that's the best investment we can make. However, I think that we need to always remember that it's quality, quality, quality. Thank you."

Representative Takumi rose to disclose a potential conflict of interest, stating:

"Thank you very much, Mr. Speaker. I would like a ruling on a potential conflict. I have two grandchildren in kindergarten," and the Chair ruled, "no conflict."

Representative Takumi continued to speak in support of the measure, stating:

"My thanks. One of them is Karley. She's really cute and we call her 'Princess.' I'm sorry, I digress.

"You know, Mr. Speaker, the Representative from Kailua that talks about the importance of early childhood education, I cannot agree with that more. That's absolutely true. If she wants, her office is right next door to mine. I can give her boxes of research about the quality of preschool education and how it matters as to what age the child is. Or if she wants, she can just read the *Outliers* by Malcolm Gladwell. It's a short book. She can just read that, and that will tell the story.

"Mr. Speaker, it's not about putting children into junior kindergarten or kindergarten. It's about putting children into a differentiated instruction environment, in an age-appropriate setting. Clearly, if we put our school children into a setting that they are not prepared for, particularly the 5,000 children who are late born. They should be put into a far better and appropriate setting, and that is preschool.

"The majority of our kindergarten teachers do not have degrees in early childhood education. They have degrees in elementary education. It is a

world of difference when you're four and a half years old, and five years. Maybe for someone like you and I who, we may only be six months apart, that doesn't make a difference at our age. But at that age in terms of fine motor, and motor skills development, and brain skills, it makes a huge difference.

"So I think the direction our State has to take is to remove these children, in an appropriate time frame. I think next year is way too early obviously, and put them in an appropriate setting and that is in preschool. Thank you, Mr. Speaker."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in support of this measure. First, I'd like the words of the previous speaker entered into the Journal as if they were my own.

"I have two kids: Matthew and Kaila. The reason I mention this is that Matthew is actually born on October 18. Kaila's born on May 2nd. That is a big deal in my eyes. In 1996 I had an opportunity to meet this gentleman by the name of Dean Liskum from Kauai and he has mounds and mounds of data that the Chair of Education has as well, that shows for a fact that late born children, those who start kindergarten before they're five years old, disproportionately outnumber those who are five years old when they start kindergarten in the areas of special education.

"Now people wonder why our test scores maybe are not as good as they should be, and I would suggest that one of the issues is the start of kindergarten and how old our children are.

"When children transfer from public schools here, to some private schools, what happens? Sometimes they are held back one grade, and it matters because an 18 year old male in a senior year at a private school in Hawaii is one year older than the same kid born on the same day in our public schools. That matters not only in academics, but also in athletics.

"But if you take a look at that and you take it to the next level which is the mainland, and look at what the other school districts across the mainland are doing. I think what we need to do, and I've been assured by the Chair of Education that one of the things this task force is going to do is, really take a look at the start date for our kindergarten.

"And yes, we do need to improve and support our preschool education system and provide the necessary support for these children to succeed as kindergarteners, but I do believe in hindsight we should have done this is '96. We should have even done this in 2004, and we wouldn't be talking about this, and that is to make the kindergarten start date relative to the age of the child. And I do believe that in the end, if we make it five years old for any child starting kindergarten, we'll solve a significant portion of our concerns that we have right now in our school system. Thank you, Mr. Speaker."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I'm still with reservations. I basically think we're all saying the same thing except my concern is, if we do away with junior kindergarten, what is going to be there in a publicly funded situation so all parents can afford to have their child have the junior K education? And if that's someone who is more skilled in early education, how are all families going to be able to afford that? Otherwise you're going to have quite a disparity again, with those that are able to go to the preschool beyond preschool, junior K experience, and those that aren't. You're still going to get disparate groups going into kindergarten.

"So the early education is so important, and it has been proven to be so important that we need to take a very serious look at how do we continue that, and continue it for all children in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2068, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

At 1:56 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2501, SD 1, HD 1
S.B. No. 2842, SD 2, HD 1
S.B. No. 1230, SD 2, HD 1
S.B. No. 2165, SD 1, HD 2
S.B. No. 2220, SD 1, HD 2
S.B. No. 2603, SD 2, HD 2
S.B. No. 2068, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1156-10) recommending that S.B. No. 2120, SD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1158-10) recommending that S.B. No. 2434, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2434, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, in opposition Mr. Speaker, with a couple of sentences. What this bill does is it increases the cap for pay for the Superintendent to be no greater than 150% of the highest paid principal. And I understand concerns were brought to the Legislature that there are four principals in the State of Hawaii that make more than the Superintendent, and so that was really the nexus of this bill.

"The new salary cap according to the Office of the Governor, could go up to $245,000 dollars that the Superintendent would make. We have many in the State of Hawaii right now, who have lost their jobs or who say that they too are getting paid far below what they're worth. And if we're going to use the fact that four principals make more than the Superintendent, then let's talk about the football coach at UH who makes more than the Governor, or even the fact that the Superintendent makes more than the Governor who's in charge of the whole State.

"I think these concerns are very valid, but I think now is just simply not the time in this economy to show our constituents and the residents of the State of Hawaii that we want to increase anyone's salaries that are being paid for by the taxpayer."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, I would submit this bill is moot, and if we look at the momentum for the appointed Board of Education, this will no longer be necessary because the appointed Board will then appoint the Superintendent, and I don't believe that a quarter of a million of dollars is going to be a relevant figure.

"So in a way, this is arguing in isolation. If the system doesn't change, and I don't believe the people of Hawaii do not want to not change and we will have an appointed Board, and this will be become a side issue. So Mr. Speaker, I think it's an issue that we can dispense with. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This bill increases the cap for the pay of the Superintendent to be no greater than 150% of the highest paid principal collectively bargained in contract in the Department of Education.

"Mr. Speaker, I'm in opposition to this bill. Thank you. The reason why I'm in opposition to this bill is because we have to move towards merit based. I believe that the Senate Bill that came over talked about going in that direction, but it still didn't base it upon how well of a job you are doing.

"Are you making the quality of life for teachers and principals easier, better, creating a better environment at the school level? Are the children going to flourish because you are the Superintendent? What's going to motivate you to go against all the different special interests that want to keep status quo?

"This simply just giving the money is not going to be the answer. I feel for the Superintendent that was our previous Superintendent who eventually, as you know, left the system.

"Mr. Speaker, we have to have some kind of something, some motivation, that will help a Superintendent to go against all of the things that keep our system the way it is. We have to motivate them that way to speak up. When you have the bosses who are the Board members that have control over whether or not the things that you want to change, but they appoint you as well. How are you supposed to go against those bosses and think you're going to make any real change?

"Mr. Speaker, when we talk about reform, we should take a look at some of the situations like Chancellor Rhee and Washington D.C. and how the accomplishments they made were because of this one person, this Chancellor Rhee that decided that she was going to shake up things because she was going to put students at the top of the pyramid.

"She was going to make sure that teachers were responding to student's needs. That principals were responding to teacher's needs, and the bureaucracy was going to respond to all of these that support the students. And yes, you will anger those special interests. Yes, you will anger the status quo and people who want to keep things the same.

"Until we get to that point Mr. Speaker, I don't think we should be throwing around 150% pay increases or whatever this bill says, because we don't have something that will improve the system overall. So Mr. Speaker, again, not only is it bad timing that we're giving the tool to increase salaries, but it's also saying, 'C'mon. Let's have some merit based stuff in here.' Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Holy smokes. You know the Minority Leader talks about Michelle Rhee. It's very interesting. Michelle Rhee oversees a system about one-fourth the size of Hawaii. She makes $275,000 a year, Mr. Speaker. I don't quite get the point about that.

"Look. It seems to me that if you want to recruit someone of quality to run our school system, unfortunately you have to pay for quality. The correlation between the Governor's salary and Superintendent's salary is an 'apples and bowling ball' comparison. When we recruit for a superintendent of Education, we recruit nationwide. When we recruit for a Governor, we don't recruit nationwide. There's a residency requirement to run for Governor. It's a local requirement.

"So if there was a gauge, we all know how much the President of the United States makes. That doesn't make any sense. That guy only makes $450,000. He should get paid $20 million. He's running the whole country. That is a specious argument, Mr. Speaker.

"Let's look at the internal argument. I had mentioned before that four principals do make more than the Superintendent, but more problematic is that over 80% of the principals make more than the Complex Area Superintendents. And as you know, the Superintendent's salary is tied to Deputy and Complex Area Superintendents. It's a percentage of what the Superintendent makes. Unless we increase the salary of the Superintendent, their salaries will not go up. There's very little incentives for principals in our system to want to move up and become a Complex Area Superintendent or a Deputy Superintendent.

"Now we might say, 'Well, you don't do it for the money,' and that's true. Very few educators are in the business for the money, but money is important. And when you're the supervisor overseeing a complex of schools, and every one of your principals makes more than you, you're going to see and it's already happened where a Complex Area Superintendent then returns back to being a principal because they actually make more money. That doesn't make any sense to me as well.

"Let's look at it externally. Nearly 80 administrators in the University of Hawaii system make more than the current Superintendent. The Director of the Waikiki Aquarium makes $151,000. The Chancellor of Kauai Community College makes $150,000. I would assert that, with all due respect to their jobs and their positions, that the scope of the responsibility of running the Waikiki Aquarium is less than it is running the statewide school system.

"Secondly Mr. Speaker, it's a cap. It says that the Board can only pay up to 150% of the highest paid principal. It does not mean they will pay that amount. They could pay anywhere up to that amount, so let's keep that in mind as well. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Just in rebuttal. You know I think we found the problem today with the public education system. It's become all about money. Every person that has their salary paid for by the taxpayer is a public servant. And if principals don't want to move up because of the money, that's fine. To me, that's a problem too. Maybe we're just recruiting from a certain pool of people. Maybe that's the problem. And the only way to get that pool of people to move up is to give them more money.

"The Superintendent should be a person that wants to improve education, period. And has a passion to do it and will do anything it takes to make it happen for our kids.

"I'm just extremely disappointed in this debate today Mr. Speaker, because it's really an example of what's going on. These furlough things have been all about money. We are all about the kids and this discussion that we're having is all about money.

"I look back to my grandma's days. You know, she worked on a plantation. And when she was part of that whole movement with Governor Burns that helped to shake things up, they had this incredible dream. Back then, it was all about people, and people would sacrifice for each other so that others could succeed. It was never ever about money. It was about creating an incredible state that would take care of each other. That would lift people up from the plantation and help them to become successful. Help them get that education that they were once denied.

"And so I'm still in opposition Mr. Speaker, and I think this is a great example of what's going on with our furloughs right now."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. People often, when we resort to, because we have to pay someone a lot, and money is important. I think you know, everyone knows, money pays the bills. I mean that's why we're here. We help to make sure that we're making sure bills get paid and things are available for people. Money, prosperity.

"Prosperity is a good thing, but I think it's an indication of what the environment is, and I would submit this. That we do, this is just one more reason why we really have to revamp this system. If a place is, you don't feel that you have as much control over your classroom, or you don't have control over the things that you want to do.

"Teachers always tell me, my colleagues, like doctors. Doctors came to take care of the patient. Not to spend hours and hours, and hours, and hours, filling out charts. It's the same thing with the teacher. The teacher

wants to teach. She wants to go out there and she wants to teach. That's her joy, that's what she went to school for. And if it ends up being where she's plagued with all these constraints and it's an unpleasant place to work, I have to let you know.

"My sister-in-law, she was a certified teacher, completely. She did six months in the DOE, and she became a flight attendant. That is not about money. To me, that is about a system that doesn't make you feel like you're being rewarded for what you set out to do. And I think that when we improve the system, you're going to find, I mean I can use example after example after example how many teachers go on to the private sector, but they're not getting paid necessarily as much or their benefits.

"So we need to look at the other moving parts, the other elements that make teaching so fulfilling, which it really is, but we need to help our teachers feel that. That they're really having their goal met."

Representative Takumi rose to respond, stating:

"Thank you very much, Mr. Speaker. A brief rebuttal, and still in support. The argument that this is about money again, it's just a very flawed one. I mean, look. None of us are here for the money. Mayor Michael Bloomberg of New York works for a dollar a year. Each of us can do that as well. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition, and just some clarification in rebuttal please. Thank you. You know Mr. Speaker, I think the Chair of Education missed my point. My point is when I talked about Chancellor Michelle Rhee, it wasn't necessarily about how many students are under her or anything like that.

"It's about the fact that there was a mayor willing to stand up and back the Chancellor. It was because Chancellor Michelle Rhee said, 'I have ideas on how we can change things around so that we can have student achievement,' and they are successfully moving in that direction, more so than some of the test scores that we see across the nation. When others are going down, her Washington D.C. area is making strides to go upward.

"And so the point is, would I pay $275,000 to a superintendent if they could do that for us? Absolutely. I think it's a good investment. The problem is we don't have that system. We don't have the system where the mayor appoints and gives the backing to the chancellor. We have a system where a Selection Committee is going to review some applications and put the existing Board members on a list that gets reviewed amongst all of these people who get chosen from these different areas, and then submitted to the Governor. Where the Governor will then select from that list, and then the Governor will take that down for the advice and consent of the Senate and possibly, when that Board actually appoints the Superintendent."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. She's straying again to another bill that we've already debated and discussed. This is just about the salary. Can we please just debate that? Thank you."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I was just making a point in regards to the $275,000 that was brought up for arguments sake of this bill, and Michelle Rhee in addressing the issue that we have a totally different system than theirs.

"That I would invest money, hard-earned taxpayer money if we're not throwing the Superintendent that is appointed by this appointed Board into quicksand, because that's what basically we would be doing with the next Superintendent. Putting them in quicksand and telling them, 'Okay, now that you have this environment, I want you to fix education.' Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"In support. I must admit that I'm puzzled by the fact that the Minority Caucus is ..."

Representative Thielen rose, stating:

"Mr. Speaker, I have an objection. This is about the fifth time that he has done personal attacks or talked to motive, and the Majority Leader has before said motive is improper. So I will just echo the words of the Majority Leader. Discussing motive is improper."

Representative Rhoads continued, stating:

"I don't believe I'm going to be discussing motive. I was just going to say that I think it's surprising to me that a Party that puts so much stock in market-based solutions suggests a cap on salaries at all."

Representative Thielen: "Mr. Speaker, this also. Objection, Mr. Speaker."

Representative Rhoads: "Why not get rid of the salary cap entirely?"

Vice Speaker Magaoay: "Representative Rhoads, could you wrap it up?"

Representative Thielen: "This is off the subject of the bill and our Minority Leader was already corrected."

Representative Rhoads: "I'm sorry, Mr. Speaker. Do I have the Floor or not?"

Vice Speaker Magaoay: "Representative Thielen, please let Representative Rhoads finish. Representative Rhoads, please continue."

Representative Rhoads: "I'm not sure, from a market-based perspective why a salary cap would be necessary at all. I think why not just let the market decide what the price should be for the person. There is a market for these kinds of employees. So let the market work. It's is puzzling to me; that this position would be taken by this particular Party. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2434, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Awana, Ching, Finnegan, Marumoto, McKelvey, Pine, Thielen and Ward voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1160-10) recommending that S.B. No. 2115, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2115, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I don't believe we should give the Department of Education this expanded authority until they're audited. And I believe they're well overdue for an audit."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations for the same reasons, and would like to adopt the words of the previous speaker," and the Chair "so ordered." (By reference only.)

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2115, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1162-10) recommending that S.B. No. 2256, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2256, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you, very much. And just with some reservations. I don't know if I did need a ruling on a conflict of interest. There are times where with community events, that I do ask the schools of my district for use of the parking lot."

The Chair responded:

"No conflict. That shouldn't pertain to anyone on this Floor, but please proceed."

Representative Ching continued, stating:

"Thank you, very much. So I rise with reservations on this legislation allowing the DOE to assess to fees for parking, roadways, and parking areas under its jurisdiction. I do want to see the DOE be able to raise its own revenue, but I just believe one of the great traditions of our State and country is the free and open access of school facilities in the neighborhoods they serve.

"These buildings not only serve the students for school and sporting events, but they're also gathering places for community events. Things like the Boy Scout meetings or the recent Aloha Aina Earth Day recycling collections at Farrington. The numerous other community meetings that occur in schools across the State.

"People gather at these schools. They pay taxes to support them and hopefully, we will have the DOE be able to be judicious about this and make sure of that. Sure I know it's tough economic times, that they remember that these community organizations are the ones that are often times improving their communities. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2256, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1164-10) recommending that S.B. No. 2452, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2452, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes Mr. Speaker and Members of the House, I speak in favor of this measure with strong reservations. The reservations I have on this particular measure are that I've never seen a bill so watered down, and so weak that it is not going to do anything.

"This bill is going to be signed by the Governor, and it's going to be put in a nice file, stashed away, and that's all it's going to do. It doesn't do anything. It says 'may,' and 'if money is available,' and all those kind of synonyms."

Representative McKelvey rose, stating:

"Mr. Speaker, are we on Stand. Com. Rep. No. 1162 or 1164? On 1164. Sorry. Please continue."

Representative Souki continued, stating:

"What's the problem with my friend from Lahaina? It's been a long day, Mr. Speaker.

"Anyway I won't go on anymore. I think I got my message across. I just hope that somewhere along the line, there's over $160 million in the Emergency Fund. Maybe some of that can be used for transportation. Some of the balance. Because without transportation, the kids who live in the rural areas will not go to school. They will miss a lot of days, and this concerns a lot of the people living in Puna, Hana, or Ulupalakua. How do you think they're going to schools? There's no way they can.

"So I think this is an extremely important bill, but it was treated lightly, and it should not be treated lightly. Thank you, very much."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, very much. Again my apologies. In support with serious reservations. May I have the comments of the speaker from Wailuku entered into the record as if they were my own. I would like to underscore one point: it is the most disadvantaged members of our society that need this lifeline of transportation to the schools. And this, on top of everything else, is really going to severely impact them.

"You're putting people in a situation to choose, especially in a lot of areas where there are no safe routes to school. You're putting them in a precarious situation: do I send my kid to school, exposing them to the dangers? Or do I just keep them at home? And I think that like the previous speaker said, this is a very serious bill and I hope as it moves into Conference that we can really beef this thing up and look to some of these funding sources that he mentioned. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. I want to assure the Members that we did not take the contents of this measure, or the purpose of the measure, lightly. That's why it's here before us and it's moving forward to the Senate.

"Mr. Speaker, this is a very important issue. It is in regards the transportation of our students to and from school. It is especially important on the Neighbor Islands where they have a lack of public bus service. It also affects the rural areas of Oahu where you do not have reliable transportation services and options.

"So when we're looking at this, I just hope that we have the wherewithal at some point and time to provide maybe some additional funding for the school bus service. Thank you."

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in support of this bill. I would like to submit comments to the Journal and add some additional comments here.

"Mr. Speaker, like my colleagues from Maui, for my district it's not an option. I don't have any transportation for the students in my district because of the way that my district is made up. Many of the students won't be able to even reach school.

"So I thank the Chair of Finance for keeping a vehicle alive, and I hope that as it moves to Conference that we do find the money to specifically, especially in my district and others that have the same challenges, that the buses are serviced and the students won't have to rely so much on their parents who work, and who also don't have transportation. So thank you, Mr. Speaker."

Representative Carroll's written remarks are as follows:

"I support this bill and its intention of continuing to provide public school students with transportation to and from school. Many students in District 13 live far away from the schools they attend and would have difficulty procuring an alternative means of transportation if school buses were no longer provided. This would result in truancy or create an unfair financial burden on parents and guardians forced to drive in excess of 40 miles on a daily basis.

"I agree with the Committee on Finance that more discussion will be necessary in order to establish the logistical necessities of creating and maintaining a transportation revolving fund, particularly in terms of ensuring that schools are provided for according to the factors specified within the bill and of creating a sufficient amount of funding to continue the service. I would also recommend that the finances of the Department of Education be audited to explore other potential sources of funding."

Representative Herkes rose to speak in support of the measure, stating:

"In support. And just to follow up on the rural district. I have kindergarten students that go 15 miles to school, and obviously if there is no bus transportation, they won't go to school."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I support this bill and I would like to make some comments. Thank you, Mr. Speaker. In talking about transportation for our students, and safe transportation for our students, it's really interesting because we really should become more 'charter' minded. Meaning more innovative and more accountability when we're talking about transportation funds.

"When we were sitting in the hearing, when we heard over and over about the safety, safe routes to school, making sure the kids have transportation, and all of this fun stuff and important stuff, we also heard about the existing system and how the numbers for transportation, how much it costs for transportation in getting kids to school. $72 million, $50 million, $45 million. All over the place.

"And then you hear from some of these companies that have the transportation contracts, the bus contracts. They're talking about in their individual contract it states that there are all kinds of money going all over the place. So for instance, there may be somebody, even said anecdotally, I'm sharing this with you. But somebody even said there was like $300,000 or something, or $30,000 or something like that, that goes to books which is in a transportation contract.

"Mr. Speaker, safe routes to school, I vote yes. Money for school buses, I vote yes. Accountability on where this money is going and if it's being used correctly, and whether or not we've got good contracts in place, and whether or not we can be innovative with school transportation. That is not in this bill and we do nothing to address those things.

"Rural areas such as on the Big Island, you have, in fact we have one of Executive Director of West Hawaii Explorations Academy, they bought buses. They don't have mechanics, but they send whoever gets a commercial license, and this might be another employee and not necessarily a bus driver because they have to be innovative with how they spend their money. They do the maintenance on these buses by whoever's driving that bus that day. If they need maintenance on the bus, they'll drop it off at a local place where they do all the maintenance efforts on that bus, and pick it up in the morning to go pick up their kids. They do that within their Charter School budget because they have to. They feel that it's a priority and they're going to fund it.

"Also, Kamaile in Waianae. I shared this story before. They bought mini-buses, bigger vans, they cross-trained their sometimes cafeteria workers, or whoever else into getting some of these other licenses so they can drive the kids. They pick up homeless kids at 6:00 in the morning, and drive them home at 6:00 at night. Way beyond what this bill does. Safe routes to school. Safe transportation to school. Pick them up right at their doorstep, or in these cases, not their doorstep, but wherever they are.

"Mr. Speaker, it's about innovation. It's about accountability. It's about priorities. And it's about giving the control to those schools to make the decision that they have to make. By continuing to operate like this, we will continue to see the price tag go up, and up, and up, for the sake of safety for kids, but you're not looking at how we can be accountable to the tax dollar and create safety for kids.

"Mr. Speaker, like I said, I'm in support. And for the speaker from Wailuku, I've actually seen many bills that have been watered down so much that it doesn't do anything anymore. Thank you."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"This bill, like so many, is not perfect. However, it makes clear that the Legislature understands the importance of providing bus service for our school children. Especially for rural areas, school bus service is critical and will save lives. I would like to thank the countless concerned individuals who testified in support in this bill. I will continue to do whatever I can to make sure that school bus services are not permanently parked, our kids are not left by the side of the road and forced to brave the highways, and our families will not witness an increase in traffic and safety hazards."

Representative Awana rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. A vast majority of school-aged children use the school bus for transportation. In rural areas, parents leave homes early in the morning and children are left to walk to a nearby site located within their neighborhood. Should school bus service not be made available, children in my district will have to walk along a highway known for pedestrian accidents and vehicles that travel way beyond the posted speed limit. I understand that there remain financial challenges in the DOE budget, but the safety of these students needs to be a priority. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2452, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Morita voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1165-10) recommending that S.B. No. 2570, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2570, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of SB2570, which proposes an amendment to Article X, Section 2, of the Hawaii Constitution, to change the Board of Education from an elected board to an appointed board.

"Elected BOE members currently have little accountability, especially to the Administration. If the Governor appoints BOE members, they—and the Superintendent they elect—will be accountable to the Governor and the people of Hawaii.

"Although I support this bill, it is a 'half-loaf' compromise. Having the Governor directly appoint the BOE superintendent would be a better way to ensure direct accountability to the Administration instead of indirect accountability. Another weakness is that the success of the BOE depends too heavily on the effectiveness of the appointees' selection process.

"Regardless, this bill is a step in the right direction toward establishing a BOE that is accountable and has a new perspective on Hawaii's education issues. For these reasons, Mr. Speaker, I support SB2570."

Representative Ito rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict and also for Stand. Com. Rep. No. 1166? My daughter works for the Board of Education."

The Chair responded, stating:

"No conflict for these measures, but we already voted on Stand. Com. Rep. No. 1166."

Representative Carroll rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"The Executive Branch of our government is currently responsible for appointing a number of positions, administrative and otherwise. To give this Branch nearly complete jurisdiction over the Board of Education runs contrary to the mandated balance of powers and will strip our voters of the agency they currently have to select whom will be responsible for their children's educational welfare.

"I am particularly concerned that this bill does not stipulate that all islands or counties must be represented by Board members knowledgeable about their particular needs. The schools within my district are different from schools on O`ahu in terms of geography, demographic, and programs required. Any bill that alters our current system in terms of Board nomination and appointment must address this difference to ensure that all of our constituents are represented equally."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker and Members. I am in strong opposition. Mr. Speaker and Members, I believe that this bill is an overreaction to the furloughs and the situation we have right now. If you have listened to some of the speeches that have been made relative to what we're doing in education right now, and the previous speaker from across the aisle, you know that if it goes to the Governor's Office to administer, the Department of Education it going to have the same kind of thing that you've been hearing right now.

"We're going to make the Governor, whoever the Governor is, whether it's a Republican or a Democrat, we're going to make that particular person more powerful than they are right now. We have the most powerful Governor in the whole nation, right in this State. This bill is going to make the Governor even more powerful. It's going to make us that much weaker and we're a party to this. You're going to continue to lose the balance of power between the Executive and the Legislative Branch, and this is why you need to continue with an elected Board.

"Yes, this Board may not be working. We may have to restructure the Board. We may have to look at having more Board members so they would be more accountable to smaller districts.

"But to put it in this way is not the way to go, and if this is your will, so be it. But remember this. You are losing again, the flexibility of the Legislative offices versus the Governor's office. You're weakening the legislative process. Thank you, very much."

Representative Ward rose to respond, stating:

"Mr. Speaker. I'll be submitting remarks for the Journal, but I would say as a brief retort on behalf of the Administrations from Ariyoshi, Waihee, and Cayetano, the people of Hawaii through the Office of the Governor have spoken. Business as usual is not acceptable.

"It's not about power. It's about what my colleague said here, it's about the kids. It's about getting education up to speed, up to par, so that we are not mediocre, but we excel. That we become world class.

"If the Representative from Maui is correct, if we've got to change it, we'll change it again, but we're going to keep pushing the envelope until we reach some kind of excellence rather than continually going, from decade to decade, accepting what we have. Maybe he's right. Maybe he's wrong. So far, four Governors have said he's wrong, and I'm betting on them. Thank you."

Representative McKelvey rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. In opposition. First of all, I'd like to have the words of the speaker from Wailuku entered into the record as if they were my own. And just a few brief comments.

"I'm glad that this measure is going to go before the voters because this will be the last say they have in education. Because the reality is we need reform in education, but it's taking away the voice of the people and putting it in the hands of one person. Is that going to lead us to the reform that we want?

"Members, I would have you keep in mind the rural and Neighbor Island perspective on this. What you're saying to us is, 'Your voice doesn't count. Your accountability. Your schools, and the ability to ensure change and resources, it doesn't count.' What counts is whether that Governor, whoever he or she may be either, (a) likes you; or (b) will even listen to you.

"And there's nothing you can even say to the Governor to ensure that will even appoint somebody who truly represents that area. Realistically, they're probably going to appoint somebody who is politically patronage or supportive of them. Their only tie to the area will be that they may or may not have lived there, and that's it.

"Let's push the envelope, Mr. Speaker, but let's push it in a way where we can have the best of both worlds. That's the accountability with participation. I totally concur with the speaker from Wailuku. Let's look at the size of the Board and making them smaller districts. Let's look at locally elected school boards perhaps. But let's look at reform that empowers people and doesn't silence them. Thank you, very much.

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I really wasn't going to stand up and speak about this at the moment, but I wanted to share a little perspective someone who's been a classroom teacher, as well as a Vice Principal, Student Activities Coordinator, and Principal in the public school system. My whole career has been with the public school system.

"What I know to be true, when we talk about school reform, is that it happens at the school level. The school principal is absolutely paramount, and the school principal is responsible for his or her actions to the Complex Area Superintendent, who really at this moment does not have much authority, and ultimately to the Superintendent of the schools.

"When we talk about the policy making body for the Department of Education, it is the Board of Education. Whether we agree with that Board or not, it needs to be a functioning Board. For 32 years we have assumed that having an elected Board would not only allow the voice of the people

to be heard, but would be a discerning body of people who really paid attention to policy.

"What we've observed in the last few months is that the attention is not about policy, but about compliance. Compliance to contracts, compliance with employment laws. I mean those are all important, but we heard a little earlier from one of our colleagues that we need to pay attention to the children's well-being.

"I believe if we have a Board that is not worried about factions, and about if they'll be not like by their community, or if they can garner the support of other of their members because of certain platforms. But if we have a Board, and I'm not sure that this particular model, though we fashion it after the Board of Regents, I'm not even sure that's the right methodology. But certainly we know at this particular moment that having an elected Board is much more emotional. And I would venture to ask all of my colleagues to go into their communities and ask their constituents, who did they vote for the Board of Education in the last election. I have my community calling me asking me who they should vote for because they trust that I have some sense about the candidates.

"So I would like us to calm down at the particular moment. I know we get very emotional about all our platforms and all our policies, but at this particular moment, if we look at really what is in the best interest of a system change. I believe that this particular methodology will at least shift the way in which we're doing business in which the way the Board of Education is doing business at this moment. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I couldn't echo more the sentiments of the Representative from Aina Haina. You know by results, I repeat, aside from anything that you want to say this policy or what happened here in this State and what happened. By results. You can't run away from the results.

"The result is the fact that our people cry for change. This is not working. So maybe we don't know what the crystal balls going to show us, but we've been told by people of experience who have been in government that they think this is a good way to go, and so I think that we should do that. I ask that the words of the Representative of Aina Haina be entered as my own."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition and just a few comments. Thank you, Mr. Speaker. The reason why I'm voting no on this piece of legislation is not because I don't think that there could be value in this particular constitutional amendment right in this bill. The problem, like I said is, I'd like to see something a little bit, not just some steps moving in the right direction, but really something that we can hang our hat on.

"One of the previous speakers talked about how locally elected school boards would be one way that we can think about going. Well, that's only because of the failure of being able for any of our bills regarding local school boards over the years, year after year, after year, did we even consider to think about appointed school boards.

"Mr. Speaker, that's what we wanted. We wanted the ability to have the say from each of these different counties, but there was no one from the other side that supported us in that. And so we come up with another bill here that talks about elected boards for the Board of the Education. One of the reasons why it's moving forward is because the previous Governors, Democrat Governors, came out in support of it and I really thank them for doing that because it is change.

"Mr. Speaker, we have a responsibility here, we have a responsibility to take a look at how do we get quality education to kids. And we should be looking at all the different reforms, whether it be locally elected school boards, or whether it be the Governor appointing a Superintendent, or a Governor appointing the Board. We all know that it's accountability that we need. It's said over and over, and over, but yet we keep on doing these not even 'half loaves.' Sometimes I believe that these things are change for the sake of change. But when are we going to. One of the comments was that the Governor is the all powerful Governor. Well maybe it will take something like that for us to achieve true reform, education reform.

"Mr. Speaker, I'm just really disappointed because moving forward on something so important as education reform. I know some of my colleagues are voting no, but not for the reason of education reform, but because they think that they're not going to have local input from their Neighbor Islands. I would say then if that is so, then maybe we should really take a strong look at local school boards. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2570, SD 1, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Carroll, Finnegan, McKelvey, Rhoads and Souki voting no, and with Representative Hanohano being excused.

S.B. No. 2570, SD 1, HD 2 passed Third Reading in the following form:

S.B. No. 2570, SD 1, HD 2

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Article X, section 2, of the Hawaii Constitution is amended to read as follows:

"BOARD OF EDUCATION

Section 2. There shall be a board of education [~~composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education~~]. The governor shall nominate and, by and with the advice and consent of the senate, appoint the members of the board of education, as provided by law.

The transition from an elected to an appointed board of education shall be as provided by law."

SECTION 2. The question to be printed on the ballot shall be as follows:

"Shall the members of the Board of Education be nominated and, by and with the advice and consent of the Senate, appointed by the Governor, as provided by law, with a period of transition as provided by law?"

SECTION 3. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 4. This amendment shall take effect upon compliance with article XVII, section 3, of the Hawaii Constitution.

At 2:40 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2120, SD 1

S.B. No. 2434, SD 1, HD 1
S.B. No. 2115, SD 1, HD 2
S.B. No. 2256, SD 1, HD 1
S.B. No. 2452, SD 2, HD 2
S.B. No. 2570, SD 1, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1168-10) recommending that S.B. No. 2828, SD 1, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2828, SD 1, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 1168, with reservations and some comments please. Thank you, Mr. Speaker. I have this reservation on this bill. This bill is about school impact districts. In 2007 we passed Act 245, which allowed the DOE to designate West Hawaii as the first school impact district and collect fees for new residents. This has resulted in much resistance to the fees in that residents and I feel these issues should be resolved before we further amend Act 245.

"I understand that West Hawaii is a rapidly growing area of the State and supporters are saying that these fees are needed to be able to build classrooms and schools in order to accommodate all of the new students. We cannot ignore our slumping economy and the struggling construction industry, especially over there.

"Recently Hawaii Island Mayor Billy Kenoi came out against the impact fees, saying that the imposition of them on residential builders was, "at the worst place, at the worst time." He went on to say the proposed impact fee will be passed on to the home buyer and that would, "depress an ailing construction industry." I do agree. Our economy is struggling and I don't think we should do anything that will increase cost and harm an important sector of our economy, especially on the Big Island.

"Another reason why I oppose this bill is that it does not include Charter Schools. I would rather have the impact fee apply to Charter Schools as well. They should be included. The Charter School Administrative Office testified about this and they asked to be included through an amendment whereby a residential developer could enter into an agreement with an existing Charter School or one in the process of starting up to provide the facilities for that Charter School in lieu of the school impact fees. I think this is a reasonable request, Mr. Speaker, and I hope that the Conference Committee will take a look at some of these things. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. Being a Representative from West Hawaii, I'm very familiar with the school impact fee. I wanted to offer some comments. One of the problems in West Hawaii is the inconsistency of the Department of Education, at the time when they went in for their land use change for example, from rural to urban, or from conservation to rural. What was happening is a letter would go to the Board of Education and then it would go down to the staff. They would write letters, and what we were finding is that the fees or land being given, however it was decided was very inconsistent. There was no way for anyone who came in to West Hawaii to understand the rules and understand what their obligation was to schools.

"So because of that, what would happen is when we went through this huge growth spurt, we didn't have adequate schools, and the funding and the mechanism to get those schools, wasn't in place and so we were scrambling. This discussion about all this new construction, and knowing that as these schools, as these communities and subdivisions were being approved, why there wasn't a system in place to understand what fees would be needed to make sure there were adequate schools?

"So there's a lot of work that's been put into this bill. Months and months, and months, of discussions. The development community was also involved in those discussions. It's not perfect. It needs to continue. But the work and where it's at today is such an improvement, and I believe basically in the concept, because I was at the Board of Education meeting when they were discussing this and getting ready to approve this, this school impact fee. In the discussion that I heard from some of the people that were submitting testimony is, in concept they all agreed that this was the right way to go. Thank you, Mr. Speaker."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. I refer to the article in one of the major dailies quoting Mayor Billy Kenoi."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just some additional remarks. Mr. Speaker, for the Majority Floor Leader, then I hope if this is the way that we are going to progress with this bill, I hope that there is strong support because most of our Charter Schools are on the Big Island, and you know they deserve facilities and facilities funding, or ways that they could get facilities. I hope that she will be one of the proponents of adding the Charter Schools along with this bill. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. As the Representative of a district where schools are impacted by the rapid growth of housing developments, where the schools are so beyond capacity due to the impact of developments, I think it should be computed with population growth and student growth. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2828, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ward voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1172-10) recommending that S.B. No. 2840, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2840, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I won't say much. I just stand with strong reservations and I'll see what comes out on Final Reading. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2840, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1178-10) recommending that S.B. No. 2903, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2903, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Can I speak on Stand. Com. Rep. No. 1178 for just some short comments? Thank you, Mr. Speaker. I do have some reservations on this bill. The purpose of this bill is to strengthen and ensure continuum of Hawaiian language education from the early grades to college by requiring the Hawaiian Language College at the University of Hawaii at Hilo, Department of Education and Charter School Administrative Office to enter into an agreement regarding the Hawaiian Language College's functions related to Nawahiokalani 'Opu'u School and other schools as appropriate as laboratory schools.

"Mr. Speaker, I'm in support of this bill. My reservations comes from just seeing if this is truly a place for coordination and collaboration between UH-Hilo and CSAO, and some of these other Charter Schools, as well as the Department of Education, that it really should be a partnership that grows from the interest of those parties and not from, what I would consider, a forced partnership from the Legislature.

"Mr. Speaker, then those are the kinds of things that we do in what's now called categorical funds or programs, and all those types of things. I think especially in this time when the Senate, as well as the Board and we are looking at eliminating categorical funds, that we should really concentrate on where these partnerships can be created and let them do it. I don't think this has funds, but especially if we're going to support this, then it really should be that these people, within their own heart and their own efforts and their own funds, that they're coming together to say this is important. This is our priority. We are going to make a commitment to doing this, and it shouldn't be a forced thing from the Legislature. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2903, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1180-10) recommending that S.B. No. 930, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 930, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Yamane rose to disclose a potential conflict of interest, stating:

"I would like a ruling on a potential conflict, Mr. Speaker. I'm a volunteer with the Department of Health medical emergency response corps and would be covered under this measure as an emergency social worker. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose to disclose a potential conflict of interest, stating:

"I'm just asking for a ruling on a potential conflict. My husband sometimes volunteers in a medical capacity at different organization events. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 930, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1181-10) recommending that S.B. No. 2494, SD 2, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2494, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2494, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Finnegan and Pine voting no, and with Representative Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1185-10) recommending that S.B. No. 2919, SD 1, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2919, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Rhoads voting no, and with Representative Hanohano being excused.

At 2:52 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2828, SD 1, HD 3
S.B. No. 2840, SD 2, HD 1
S.B. No. 2903, SD 2, HD 1
S.B. No. 930, HD 2
S.B. No. 2494, SD 2, HD 2
S.B. No. 2919, SD 1, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1188-10) recommending that S.B. No. 2473, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2473, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Awana rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. Many *kupuna* have taken the responsibility to become caregivers to their grandchildren when an emergency situation takes place and the only other recourse would be a foster home. Allowing our elderly to assist in times of crisis alleviates further confusion and fear for these children.

"Because we understand that the rules and guidelines may prevent children from residing in a complex or apartment for an extended period of time, this measure allows for the transition for both the *kupuna* and the grandchild to be much smoother. This measure helps make a bad situation a lot better for the *ohana*. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Thank you, Mr. Speaker. The purpose of this bill is to assist grandparents raising their grandchildren by number one, allowing grandchildren of elderly housing project residents to temporarily reside with the elderly resident during certain family crisis situations; and number two, granting elderly residents evicted from elderly housing because they allowed grandchildren to live with them during a family crisis, first priority back into elderly housing.

"Mr. Speaker, my reservation is on part one or that section that allows the grandchildren of elderly housing project residents to temporarily reside

with elderly residents during certain family crisis situations. I actually agree with the bill and I've told many people that I am supporting it. It's just that the language in here is three months is supposedly the transition time, the time that you're allotted to find other housing.

"For those who are elderly in these elderly apartments, three months is kind of a long time. Maybe we should be looking at making it a little lesser time, two months or maybe one month, because as people get older, and I've had more and more time to spend with my older grandparents on my husband's side, as well as my mom and dad, as much as they love kids and grandkids, some elderly folks have a hard time being around young kids just because they don't understand what it's like to be old, the young kids don't.

"So it sometimes gets into a really awkward situation and so if anything, if we are going to have this which I think is very needed for grandparents to take care of grandchildren during a difficult time and family crisis, then maybe we should make that time period less than three months. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2473, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 49 ayes, with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1189-10) recommending that S.B. No. 2593, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2593, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, this is regarding Stand. Com. Rep. No. 1189. I rise with reservations, please. Mr. Speaker, the purpose of this bill is to ensure that housing projects granted a low or moderate income housing general excise tax exemption continue to meet exemption criteria.

"Mr. Speaker, I found that the testimony that came from the Tax Foundation, or actually from Lowell Kalapa, I guess he's also a manager in one of these low income housing areas. What he said was sometimes what you have are people who are living in these housing areas, and the records don't get updated and they may actually be making more than they're supposed to be making. So say it's a low income area and there's a certain amount that you're supposed to be qualifying for to live in that place. He said that there are more and more situations where those records don't get updated and then people who are not low income anymore, but maybe have a more moderate income, that they're still taking advantage of these low income houses.

"Now the way that you do these reviews to me made sense on how he does it. Supposedly what he does is, they do an actual review. They take appointments, the manager takes appointments with each of the people who live in that apartment building to update their records. But currently what happens is people will just tell the managing agent, 'Yeah, yeah, yeah. I'm on the same earning income structure.' So you what you end up with is people who are not accountable and the project ends up receiving a general excise tax exemption, and that's not what the intent and purpose of having the general excise tax exemption is about.

"It really is about helping low income folks with housing. So if we can tighten up the language and make it more meaningful so that people will move on to the next level of housing, and those who are truly low income can come in, I think we need to work on this bill more to accomplish those means."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2593, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Third Reading by a vote of 49 ayes, with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1191-10) recommending that S.B. No. 2469, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2469, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Third Reading by a vote of 49 ayes, with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1192-10) recommending that S.B. No. 2650, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2650, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Bertram rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I just wanted to read from a constituent on Maui who had her experience with the EPOD system that's being proposed for our State by the Department of Human Services. It has to do with the fact that they could not reach any human person. They could not get the type of face-to-face contact they needed in order to make the types of determinations for her son to cover her son's medical bills. In fact because of their flawed system, her son still has problems and these comments are on the Oregon Public Assistance Call Centers.

"This again, just shows the fact that this is not a good system that's being proposed. And it's been proposed in a way that isn't giving enough people enough time to really have a say in how it's actually to be implemented. So I really ask that everybody take a good hard look at this and consider also being against it."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I feel that I will speak on this a little bit because the Chair of Human Services I think, is chomping at the bit to get at me. So I'm going to go ahead and talk about this a little bit. I actually am in opposition of this.

"Mr. Speaker, maybe because the second part of this talks about that EPOD Program that the previous speaker just spoke of. And you've heard the arguments.

"Mr. Speaker, I'm a little confused because if I'm not mistaken, and I haven't checked within the last week, but I don't believe that the EPOD has actually been implemented yet. Yes, the letters went out that says, I think it was a 90-day RIF letter, that says by June-something, you're going to be RIF'd. But I believe that the call center has not taken place yet. There is one part of eligibility that are doing calls, but I don't think the EPOD Program has been implemented yet. I'm not sure, maybe the previous speaker is talking about someone who has moved over from a state that has already implemented something like the EPOD Program.

"Mr. Speaker, what this does is under the second part in the Standing Committee Report, it says that all intake and eligibility functions relating to welfare and public assistance recipients be performed by employees of the Department of Human Services.

"Mr. Speaker, what I believe this says is, this stops the ability for the EPOD Program to move forward. It stops the ability to have private-public partnerships. It stops the ability, say if there's somebody who needs interpretive services, that if that person is interpreting for them at a local church, or if there's any creative way that we could get better services to Medicaid applicants, that we would not be able to do it unless these

services are performed by employees of the Department of Human Services.

"Mr. Speaker, we can disagree all day long and I think that Members both on the Democrat and the Republican side have disagreed on the implementation of the EPOD system. You've heard it before, and why I believe that we should implement it, and still move forward.

"I think that the elimination mainly of the 31 offices across the State is not a true elimination of offices because the Department of Human Services are planning to use all the rest of the Department of Human Services' offices on the other islands to be able to be not intake centers, but areas where you can go in and have the ability to apply.

"I just think that this second part tries to get at stopping the EPOD program for the Department of Human Services, but I really think that doesn't help us with our ability to do private-public partnerships. Thank you."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support of Stand. Com. Report 1192. Thank you very much, Mr. Speaker. The Department of Human Services wants to close every single public assistance office statewide. All 31 locations. This represents the closure of 50 units in the State of Hawaii, including all Neighbor Islands.

"The Department of Human Services would like to abolish 228 DHS employee positions. In fact, the Minority Leader is correct. Those letters have gone out to all 228 employees indicating their positions will be abolished.

"Who do they serve? What services do the 228 employees provide? They provide services, essential services to over 300,000 needy Hawaii residents. What's the cost savings, Mr. Speaker? According to Director Koller, she believes they can save $8 million by this move.

"Mr. Speaker, if I may. There are seven reasons why I disagree with the EPOD plan, and why I support Senate Bill 2650. The first reason is that the House Bill actually reduced the Governor's budget for DHS by over $18.5 million. They were able to do this without closing a single office or eliminating a single employee.

"The second reason why I disagree with the proposal is because the Supplemental Nutrition Assistance Program, the SNAP, Department of Human Services Administrator, the expert, your number one person dealing with federal public assistance for the Department of Human Services, she disagrees with this plan. Linda Tsark disagrees with her Director.

"In fact, she has not spoken to Director Koller about the EPOD plan. That's very concerning, not only to me, but to the United States Department of Agriculture. In fact, Linda Tsark is so courageous, she came to our briefings and she outwardly spoke against this EPOD proposal and against her boss, her supervisor, DHS Director Koller. Linda Tsark had stated that we could be in violation and we could possibly lose $50 million in federal benefits if we are not in compliance with the federal policy.

"The third reason I oppose the EPOD plan is because the chief investigator, your expert in welfare fraud, has spoken out against this proposal. Chief Investigator, Eric Weyenberg, has not even talked to Director Koller about this. He's upset and shocked that she did not see him, his office or the other special investigators to discuss this EPOD plan. He also opposes this plan.

"The fourth reason. This may violate federal law, Mr. Speaker. In fact, the United States Department of Agriculture has provided a letter to Director Koller. This is dated March 9th of this year. It provides in relevant part, Mr. Speaker, 'The state agency must grant a face to face interview to any household which requests one. Please explain how this requirement will be met if there are no offices on many of the neighbor islands.' Again this is from the United States Department of Agriculture to Director Koller.

"In looking at the House Journal, Mr. Speaker, I noticed, and I say this with complete respect, that the Minority Leader proposed comments in the Journal and it relates to the Office of Language Access. This is germane to Senate Bill 2650, as it relates to the Office's ability to ensure that no person is denied access to State or State-funded services due to the limited ability to speak, read, write, or understand English. It is germane to this bill and to services for those people where English is their second language.

"Furthermore, Mr. Speaker, if services are denied by closing all welfare offices statewide, this could violate Title VI of the Civil Rights Act of 1964, which requires that state agencies provide language services to limited English applicants or recipients of public assistance benefits. Furthermore, in looking at the letter from the United States Department of Agriculture ..."

Representative Brower rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued in support, stating:

"Thank you, very much. Also in the letter from the United State Department of Agriculture, it does provide that this may violate Executive Order 13166, which provides access for persons with limited English proficiency. In fact the United States Department of Agriculture posed the question to Director Koller in their letter. 'Please explain how these requirements will be met under the proposed reorganization.'

"The fifth reason why I support this measure and I am opposed to the EPOD plan is that the Department of Human Services employees never had a chance to talk with the Director. There was no meaningful consultation with State administrators, staff, or the DHS employees that will be affected by this.

"However, this was an attempt, I guess you can call it, an email that a brave DHS worker forwarded to me which is dated March 15, 2010 with the time 3:08 p.m. Now this email went to only certain DHS employees and provides, and I quote, "Hi everybody. Director Koller is requesting recommendations and comments for EPOD operations. Please email me suggestions from yourself and staff by tomorrow." Tuesday, that's March 16, 2010. So in less than 24 hours, only a selected few employees were to give their comments or suggestions about EPOD. This is not meaningful consultation with staff, administrators, or Department of Human Services' employees.

"The sixth reason why I support this measure and I'm against the EPOD plan is because the Director does not have a plan when she launched this so-called EPOD proposal. And this is why I say this. I can say this with complete honesty, Mr. Speaker. One of the brave and courageous employees from DHS was able to give us this. It's a solicitation request from the Director's office dated February 25, 2010. What it provides is that the Director is looking for assistance on expert testimony, and I quote, "at the Director's request to the Legislature on EPOD." She's looking for expert testimony. She's having a tough time. I can understand that and we would love to work with the Director, but at this point you see, it's full speed ahead.

"Further I quote, "assistance in communicating with the media and public." Now, Mr. Speaker, if you know your stuff, if you know your game, you don't need assistance to communicate to the media or the public. You know what you're doing. This tells me she doesn't know what's going on. And I quote, "assistance in planning the office for configuration." Configuration? Have a plan. "Assistance in fully defining work flow. Assistance in determining help with the application process and other assistance required regarding EPOD." Grave concerns, Mr. Speaker.

"And the last reason, Mr. Speaker, the final reason I support Senate Bill 2650 and I'm against the EPOD plan. I'm very concerned. The Governor, as we all know, opposed the National Health Reform Bill but wants to use $10 million of taxpayer's money for her Hawaii Premium Plus. How does this relate? It does. At a cost saving of $8 million you're saying that you're going to save $8 million and hurt services to 300,000 people in the State of

Hawaii, but yet you want to propose a Hawaii Premium Plan at $10 million to help how many people? 6,450 new workers. I'm a little perplexed. So for those seven reasons, Mr. Speaker, I support Senate Bill 2650, and I oppose the EPOD plan. Thank you, Mr. Speaker."

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker, just a couple of rebuttal points. You know first of all I do take great offense that someone says that Lillian Koller doesn't know what she's doing. She is probably one of the most knowledgeable Directors that we have in the State of Hawaii, and maybe in a very long time. She has won countless awards and been recognized nationally by people who understand human services, and it's been bipartisan. Certainly there are some things that could have been done a little better, especially in the public relations aspect.

"When I first heard about this idea and I saw the people testifying, I was very disturbed and I was concerned and I asked her to come in. She did with other members to talk about this. And it really comes down to something very simple. How can we service the people better?

"She's trying to propose a system for that person that's in a wheelchair that goes to these offices and waits for hours just to talk to someone to get qualified to get the help that they need that they are qualified for. They don't have to stand in line anymore. They don't have to wake up in the morning, and go, 'God, how am I going to get there? Who's going to take me? Am I going to be able to survive those four, five, six, seven hours in line?' What Lillian Koller wants to do is, she wants you to be able to pick up the phone, either talk to a person, or press a couple of buttons, and then you're done.

"It's really what she's trying to do. I agree that I wish that there was a better way that we could have handled a lot of the employees and that it was done differently in terms of dealing with the employees. Maybe in getting better training. Maybe transferring them. Unfortunately, the way that our system is set up with our employees is we can't even encourage them to get more training because you have to negotiate that. And then maybe if you train them more, then they're going to be into a different section of a union and then they've got to negotiate that.

"So really what she was trying to do is trying to make the service better for the people. So that's why I'm in opposition to this. Yes I agree it could have been done a little better, but I do believe that we should at least give her idea a chance."

Representative Shimabukuro rose to speak in support of the measure, stating:

"I stand in strong support. In response to what was just said, for those who are disabled, you can get a power of attorney and have someone else represent you at those types of face to face meetings so those types of waits can be avoided.

"I just wanted to share with this Body that over the weekend I ran into Sara Lapilio**,** and she's been a supervisor at DHS's Kapolei Unit for many, many years. She was literally in shock. She had gotten her RIF notice and was given a date of June 30, along with 75% of her staff. That would be their last day on the job. She just could not imagine how this can happen, and what's going to happen to all the people that they service on a daily basis.

"I also just got an email from a class at LCC Waianae that had heard that the Waianae CPS Unit was going to be closed. That unit is probably one of the busiest in the State and they're in a panic as well. I think it's just common sense that if you get rid of all of these people and all these offices, these disabled and vulnerable people will have nowhere to turn. Expecting them to call or go online, many of these clients are mentally ill, disabled, of course they lack the money to be making these kinds of calls. They don't have computers, and that kind of thing. I have additional written comments to submit including an email from Sara Lapilio."

Representative Shimabukuro's written remarks are as follows:

"In strong support. Over the weekend I ran into Sarah Lapilio, supervisor of DHS's Applications Unit in Kapolei, and she told me she has received a notice laying her off as of June 30. She was in shock.

"Ms. Lapilio sent several legislators this email yesterday:

"Aloha: …There has been a lot of resistance to allowing the Governor… to move forward and implement the EPOD which would be detrimental to the state's most vulnerable population.

I have been an employee of DHS for almost 30 years. For the last 11 years, I have been a Supervisor. I have dedicated more than half of my life as a public servant with the intent to make life better for those in need. To reduce the services we provide to a simple phone call would put needy individuals and families at a greater risk.

Since 2006, my role of Supervisor has been to manage an Applications Unit and as always, I have required my staff to perform well above expectations. As a unit that averages the highest intake of applications, my unit has accomplished greater than the 95% requirement by the federal government. In fact, in the past 2 years, we have met 100% timeliness.

With the reduction in staff last year, my staff has continued to persevere, but burn out is inevitable as we cannot continue to perform as expected with less resources. Very recently, 75% of my staff, including me, have been served with RIF notices. We find it difficult to concentrate on our work, but we are reminded of our mission to make life better for those less fortunate.

In closing, I ask your support in requiring the state to cease all efforts to implement the EPOD until a task force is convened. Mahalo!

Sarah Lapilio
Kamokila Unit"

Representative Carroll rose in support of the measure and asked that the remarks of Representative Mizuno be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Carroll continued in support, stating:

"I'd also like to comment, in the last two weeks as a member of the Human Services Committee, I was on the phone with my constituents from Lanai and Molokai because their offices will be closed. The burden will be put on other nonprofit organizations who may or may not have a fax machine, or Internet ability. And because of the cuts that they're facing, they're many elders and those who are faced with disabilities that are right now concerned because there isn't that person to person contact. It's that kind of human services that, at least I can speak for my district, that they look forward to.

"In an area that cannot afford, or have access to the Internet, I've been having community meetings, especially in East Maui and all the different villages. They're outraged with the cuts. I've had to spend many late hours listening to many of my constituents on their concerns. Yes, I do believe that the Director should have handled this a little better in communicating with those who are affected by the service, as well as the providers, and that wasn't done. And I concur with the Chair of Human Services. I'd like to insert additional comments."

Representative Carroll's written remarks are as follows:

"The recent decision of the Director of the Department of Human Services to reorganize its service structure without consulting its employees or clients has spurred nearly universal criticism and apprehension. Centralizing DHS operations would seriously disadvantage persons on smaller islands in that they would be forced to purchase plane tickets just to acquire the face-to-face contact that federal law requires DHS to make available to clients. Compounding this, a constituent from Lana`i contacted me to point out that there is only one public facsimile on the entire island. The lack of available technological resources on smaller islands worries me, as does the thought of forcing this system upon elderly

and disabled clients who may prove physically or mentally unable to utilize new technology.

"Recently, Speaker Calvin Say, Rep. Angus McKelvey, and I visited Lana`i, where DHS clients confirmed that a reorganization would prove severely detrimental to their community. This revision is largely a result of that visit, as the House Speaker recognized the need to exempt Neighbor Islands from the EPOD reorganization. I support his draft of this bill, as it will protect the most vulnerable residents of my District, but I also hope that we will be able to halt EPOD reorganization on O`ahu in the future."

Representative Cabanilla rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in support. I would like to make a few comments. I do understand that with our great financial situation here in this State that we can no longer do business as we've done in the past. We have to make changes and make certain adjustments, and I do respect Director Koller.

"However, this EPOD, or this recent proposal of scrapping all the service providers, is a rather draconian way to deal with the budget or improving the way that we deliver care. In the testimony from Kauai, from the Director of the Foodbank, I was really swayed with what she said. There's really a certain percentile of the population that will never be able to feel comfortable, or are unable to go to a fax machine or be on the Internet to apply. Those people that haven't kept up with us. They are still 70 years behind. And those are the very people that need these services, that are the bona fide recipients of this.

"So by going to this EPOD system, we're going to eliminate the 'bottom of the barrel.' Those people that actually need the care. So I'd rather that we proceed cautiously with this. I agree with the change, but it should not be as draconian as this one. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just short comments in rebuttal, and still a no vote. Many of the comments that happened on the Floor are basically saying that we're getting rid of all eligibility workers, and that's simply is not true. Half of the workforce or more than half of the workforce will still be there.

"The whole EPOD reorganization is not only about reorganizing, but it's really innovating how we can do this better. What do I mean by this? Some case managers right now handle 300 some odd files. So that means on a daily basis if someone calls in and says that I want to get updated on my file, or I've got to change my address, or anything like that. They have to talk to one particular case manager.

"This system, this informational technology system that everybody seems to like for other things, but not for EPOD, will allow someone if somebody calls in, 'Change of address? Sure. What's your name?' Boom, they change your address. That's what a case manager, or I don't even think they're called case managers. I think they're called eligibility workers. That's the kind of work and upkeep that they do when they say they have 300 and something cases to handle.

"Mr. Speaker, it's about innovation and changing the way we do things. Yes, you're absolutely right. In their minds, they cannot foresee how you can do things differently because this is how they handle things now. What's being proposed is a totally different way of handling things.

"Face to face interviews. Some of that was talked about. Face to face interviews doesn't mean that you can go ahead and shake their hand. Face to face interviews that other states have been talking about as well is the ability to look at each other face to face. I was in China and India on a trip. I was able to look face to face and have pretty darn good communication between my husband and my kids. That's an ocean away, Mr. Speaker. We can do these things locally. We can setup these things locally so that we can make the application process for these people who are disabled and all of this other stuff, and able-bodied people as well, to get these services.

"Mr. Speaker, there is a fundamental difference when you're talking about $8 million in savings for an innovation and changing your system, and comparing it to the $10 million that will be spent on the Hawaii Premium Plan. This Hawaii Premium Plan is about getting people from being on Medicaid, from being on welfare, and telling them and incentivizing the worker, the jobs, the employers and saying, 'Why don't you bring them on so that they can work, and we'll help you pay for that insurance."

At this time, the Chair addressed Representative Finnegan, stating:

"Representative Finnegan, can you wrap it up?"

Representative Finnegan continued, stating:

"Yes, Mr. Speaker. One last comment. Ultimately, it's fundamentally a different way of thinking between the Chair and me. Fundamentally different that I see an able-bodied person and I say, 'Yes. You can work. And we're going to help you.' Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"I stand in support. I'm a little troubled by the plan. On Hawaii Island, there are 111 employees. They're all going to be stuffed into one office in Hilo. As some of you may or may not know, Hawaii Island is bigger than the rest of where all of you live put together. Nobody has talked about what some of the other impacts might be.

"We're not through the plantation closure problems. The people are in their 80s and 90s, and there is like Pahala. I think we're going to see some starvation. I think we're going to see some theft. I think we're going to see an increase in domestic violence. I think we're going to see some suicides. I think we're going to see some very, very serious social problems. All of this dumped on top of the vog problem that we're having that has completely disrupted people's lives. From a personal standpoint I'm really, really concerned about what's going to happen to the people I represent. Thank you."

Representative Awana rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support. Many along the Waianae Coast use the services of the Waianae Coast Comprehensive Health Center of which a vast number of recipients are serviced with the help of Medicaid. This measure will truly benefit vulnerable patients with the ability to receive the services they need. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition to S.B. 2650 – Relating to the Department of Human Services. This bill requires Medicaid contracts between the Department of Human Services and Medicaid healthcare insurance plan contractors to contain provisions affecting the reimbursement obligations in the policies between the Medicaid healthcare insurance plan contractors and the home and community-based case management agencies. This measure also convenes a task force to determine the feasibility of the Department of Human Services proposed reorganization.

"The Department of Human Services expects Medicaid health plans to deliver cost-effective services, so that Hawaii residents know that their tax dollars are being spent wisely. If this measure passes, it will open the door to special interest groups seeking self-interested legislation to protect their incomes, which will increase program expenditures. According to the DHS, this bill will "essentially block health plan flexibility and increase program expenditures requiring a new substantial State general fund

appropriation". Our State is facing a severe budget crisis therefore no measures that could potentially cost money and worsen patient access to care should be considered. Thank you."

Representative Thielen rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2650, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no, and with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1195-10) recommending that S.B. No. 2159, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Brower, Ching, Finnegan, C. Lee, Marumoto, Pine and Thielen voting no, and with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1196-10) recommending that S.B. No. 2378, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2378, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 49 ayes, with Representatives Hanohano and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1197-10) recommending that S.B. No. 2454, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2454, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Third Reading by a vote of 49 ayes, with Representatives Hanohano and Ward being excused.

At 3:25 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2473, SD 1, HD 2
S.B. No. 2593, SD 1, HD 2
S.B. No. 2469, SD 2, HD 2
S.B. No. 2650, SD 2, HD 2
S.B. No. 2159, HD 1
S.B. No. 2378, SD 2, HD 1
S.B. No. 2454, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1198-10) recommending that S.B. No. 2661, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2661, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Luke rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to request a ruling on a potential conflict. My law firm has claimants listed and included in this bill. Thank you," and the Chair ruled, "no conflict."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd also like to request a ruling on potential conflict. My law firm also has a claimant listed in this bill," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2661, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1199-10) recommending that S.B. No. 2807, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2807, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. This bill proposes a constitutional amendment to alter the provision for a tax refund or a credit to the taxpayers when the State general fund balance at the close of each of two successive fiscal years exceed 5% of general fund revenues. It would create another option allowing the Legislature to make a deposit into one or more emergency and budget reserve funds.

"According to the Tax Foundation, the disposition of excess revenues provision was enacted in tandem with our general fund expenditure limit. This occurred in the '78 Constitutional Convention. The refund provision was meant to ensure that consideration be given to returning excess funds to the taxpayers, rather than to remain a target for excessive public spending. In years past, this refund was as high as $100 per person, maybe even higher, although in recent times the Legislature has issued a token $1 tax credit to meet the constitutional requirement.

"Nonetheless, even the $1 refund serves the purpose of making the general public aware of State finances, ensuring that people are reminded of just how much money the State is spending. Sometimes we really 'rake it in.' So I'm in favor of letting people spend money on their family needs and not have it spent by the State or retained by the State. This is a good reminder for us, Mr. Speaker. I think we should keep this provision. Thank you."

Representative Karamatsu rose to speak in support of the measure, stating:

"I stand in support. This measure gives an option to the State so that we could prepare for a worse economic situation. So in times of good, we could set aside some money in a fund or funds. And sometimes a forecast comes right near a point where you do have excess funds, so we could set that aside for the next couple of years ahead of us. So it just gives us that option. And if I could insert written comments please."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This bill proposes a constitutional amendment to Article VII, Section 6, of the Hawaii Constitution to authorize the Legislature to determine whether excess funds should be used as tax refunds or tax credits to taxpayers of the State, or diverted to one or more funds to serve as a temporary supplemental source of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue.

"If this bill passes and is approved by the voters of Hawaii, the Legislature will be able to better prepare for future economic downturns by setting aside more money during the good economic times instead of returning funds to the taxpayers through a tax refund or tax credit as required by the current language of our Hawaii Constitution. It is in my long term goal to make Hawaii a top economy per capita and have a large enough reserve fund to better protect Hawaii in even the worst economic conditions that could occur in the future. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in strong support. Mr. Speaker, this basically sets up a mechanism to address the situation we faced back in 2007 when we had a projected surplus under the current constitutional scheme, and we were forced to give a $1 tax refund. This addresses that.

"It also has the support, I believe, of the Governor who at that time did express how absurd that provision was. So this gives us the option to either give some refund back to the taxpayers or put some of this money into our Rainy Day Fund. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm in support of this, but I have some slight reservations on this bill. My slight reservation is just that we put in a formula that will allow us to actually get money into the Rainy Day Fund. I think if you go on the formula and the language in the bill right now, that within the next 5 or 6 years we still wouldn't have any money that would go into this emergency budget fund. So if we can massage that and be able to actually to put away money. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2807, SD 2, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Marumoto voting no, and with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

S.B. No. 2807, SD 2, HD 2 passed Third Reading in the following form:

S.B. No. 2807, SD 2, HD 2

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article VII, section 6, of the Hawaii Constitution to amend the requirement that excess general fund revenues be returned to taxpayers of the State as a tax refund or tax credit and allow the legislature to deposit these excess revenues into one or more emergency and budget reserve funds as an alternative.

SECTION 2. Article VII, section 6, of the Hawaii Constitution is amended to read as follows:

"**DISPOSITION OF EXCESS REVENUES**

Section 6. Whenever the state general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, or make a deposit into one or more emergency and budget reserve funds, as provided by law."

SECTION 3. The question printed on the ballot shall be as follows:

"Shall the legislature be provided with the choice, when the state general fund balance at the close of each of two successive fiscal years exceeds five per cent of the general fund revenues for each of the two fiscal years, to provide a tax refund or tax credit to the taxpayers of the State, or to make a deposit into one or more emergency and budget reserve funds?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Hawaii Constitution.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1201-10) recommending that S.B. No. 2174, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2174, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1203-10) recommending that S.B. No. 2394, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2394, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker, and just a couple of comments. Basically this removes the DHRD Director as serving as the Chairperson of the Board of the ERS. Basically, there's really been no positive testimony that really is convincing that says that we must do this."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to SB 2394. This measure makes the Director of Human Resources Development one of two ex officio members on the Board of Trustees of the Deferred Compensation Plan and deletes the requirement for the Director to serve as the Chairperson. Additionally, it requires the Board to have five employee members appointed by the Governor with the advice and consent of the Senate.

"The State of Hawaii needs employer representation on the Board in order to protect the taxpayer. This measure removes DHRD's power and vote and completely skews the Deferred Compensation Plan Board toward labor interests. In the management-labor dynamic, both sides need to be represented. The repercussions of a Board being skewed toward labor interests will invariably mean overly preferential treatment of labor's concerns, all at the taxpayer's expense."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition to S.B. 2394 – Relating to the Board of Trustees of the deferred compensation plan. This bill

makes the Director of Human Resources Development one of two ex officio members on the Board of Trustees of the Deferred Compensation Plan and deletes the requirement for the Director to serve as the Chairperson.

"It is the core responsibility of the DHRD Director to "administer the employee benefit programs/plans for State employees". According to the Board of Human Resources, within the current system, there in fact are currently five (not three) public employees on the Board. Additionally, the Board has done an exemplary job and serves as a model Board. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Third Reading by a vote of 42 ayes to 5 noes, with Representatives Ching, Finnegan, Marumoto, Pine and Thielen voting no, and with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1205-10) recommending that S.B. No. 1062, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1062, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"I am an enthusiastic booster of professional employee organizations (PEOs). They provide auxiliary services to a small business so that the business can concentrate on its main mission. I am in general support of HB 1062.

"My reservations to this measure go to the $1 million bond required of all PEOs. One business expressed that the size of the bond may be unaffordable for small PEOs. Perhaps a graduated scale would be preferable based on certain criteria.

"One testifier was concerned about the fact that the definition of PEO may be too broad. The bill covers "any person that is a party to a professional employer agreement…" rather than to the PEO alone. This issue should be clarified in Conference Committee.

"Finally, I agree with the Department of Commerce & Consumer Affairs Insurance Commissioner that it is not appropriate for his division to regulate PEOs since it is not an insurance company. Perhaps the registration requirement could come under other sections of the DCCA. What I am certain about is that it should *not* go to the Department of Labor and Industrial Relations because it is a management issue. In the past there have been members of the labor community, as well as a few legislators, for reasons unknown to me, who were opposed to these PEOs."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1062, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1206-10) recommending that S.B. No. 2175, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2175, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2175, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Hanohano, M. Oshiro and Ward being excused.

At 3:32 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2661, SD 2, HD 2
S.B. No. 2807, SD 2, HD 2
S.B. No. 2174, HD 1
S.B. No. 2394, HD 1
S.B. No. 1062, SD 1, HD 1
S.B. No. 2175, SD 1, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1207-10) recommending that S.B. No. 2324, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2324, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Ching, Finnegan, Marumoto, Pine and Thielen voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1208-10) recommending that S.B. No. 2566, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2566, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I seem to be pretty negative today. I am in opposition to this measure. This would allow diagnostic testing or one-time consultation for subspecialty diagnostic evaluation in a worker's compensation claim, regardless of whether such testing or consultation is medically necessary. I would like to give you a sample of some of the testimony that we heard.

"The City and County testified in opposition. The proposed bill requires the employer or insurance carrier to pay for one-time consultation without allowing the employer or insurance carrier the opportunity to assess whether it is reasonable, necessary, and related to work injury.

"The Department of Human Resources Development said, this bill deprives the self-insured employer or insurance carrier of a fundamental right to challenge the referral on the basis of it not being reasonable or necessary, or for a condition that is unrelated to the industrial injury. In addition, DHRD said that this bill will likely increase costs by removing one of the checks and balances currently afforded employers and insurance carriers.

"Hawaiian Electric testified that this bill removes the established controls that ensure that all diagnostic tests and a one-time consultation are reasonable and warranted by the work injury. This bill creates a bias against employers and insurance carriers, by removing the opportunity to challenge the referral before these services are performed. This bill would

increase work comp costs for employers since not all work injuries are so severe and complex in nature that they require this level of assessment and services.

"The Hawaii Insurers Council said that there could also be referrals made for injuries unrelated to the work injury which would also add costs if the employer has to be pay for this referral.

"Finally, the Property Casualty Insurer's Association said that it supports the Department of Labor and Industrial Relations' belief that the existing Administrative Rules that allow for consultations are fair and adequate, and that there is no need for a non-contestable blanket rule allowing for diagnostic testing and a one-time consultation.

"So if we want to help business, this is not the way to do it. Please consider this vote carefully. Thank you."

Representative Ching rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict? My husband is a primary care physician," and the Chair ruled, "no conflict."

Representative Ching continued in support of the measure with reservations, stating:

"Thank you. I just have slight reservations. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support. I just want to note there are checks and balances that do not show up in the language of this bill itself, but are certainly in the worker's compensation law. If you do anything fraudulent or unethical, you run the risk of several penalties, and in extreme cases of criminal penalties as well.

"So I think there are already built into the worker's comp law significant deterrents to doing the kinds of thing that have been suggested that this bill will encourage.

"I would also say on a positive note, that often quickly addressing the health concerns of an injured worker is to the long-term benefit of both the injured worker. If the injury goes untreated, that's obviously not a good thing. And also probably, in many cases, to be an economic advantage of the insurer and the employer because if the injury is taken care of quickly, the total cost of treatment will be less than it would be if you wait a while to look at the injury. So for those reasons I support the bill. Mahalo."

Representative Marumoto rose to respond, stating:

"Thank you, just a short rebuttal. I think we should fix the particular problem. If a worker is injured and needs extra consultation and diagnostic testing, we should find a way to get it to that person as soon as possible. We don't have to give this blanket opportunity for every single work comp claim. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2566, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1209-10) recommending that S.B. No. 2626, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2626, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"I'm in opposition. One of my first jobs that I took when I graduated from Berkley was at the ILWU. My responsibility was to interview all the old-timers that united in the plantation to get better benefits and pay, and a better lifestyle in the plantations.

"Some of the elders told me about how when they first started to organize and stand up for their rights, they didn't win their first strike because they were all divided. Those that did strike, they were severely punished. Some were even beaten. Some, their pay was cut. Some were given the worst jobs. Some were made to work longer hours.

"I'll never forget that feeling after I talked to each of these individuals with how, wow, just because you wanted to do something that was better for your families, you were punished. I have that feeling right now with this bill right here. This bill just makes me sick. I have never in the whole time that I have been here seen a bill that would punish people because they wanted to go work for the other side. They were originally civil servants.

"What this bill does is, if you were a civil servant and you decided to work for the Lingle Administration, you, technically from an outsider reading this bill, are considered the enemy. You who were once promised by our laws and our rules to have your civil service job back, because you worked for this Administration, you are going to be punished.

"You know how you're going to be punished? You're not going to have your same rights and privileges that you once were promised before you decided to take the job in the Lingle Administration. You will be put on probation. You will not have the same rights as you used to have. You will also not be entitled, if you make a mistake, to be represented by the Attorney General, as was your previous right.

"You know what? In this bill it says that if anyone hires any of these civil service personnel or if any of these civil service personnel want to go back to their civil service position with the same rights and privileges, they will be fined $500,000. I cannot believe that we are this petty.

"Some of these civil servants that went to the Lingle Administration, they weren't necessarily Republican or conservative. They saw this as perhaps a time in their career where they could actually be in a position to make a difference. They are no longer the 'worker bee.' They're going to actually be in charge and implement that vision that they always had for Hawaii. Or maybe it pays just a little more and they said, 'Hey you know what? I want to take this chance and I'm going to take this job. It's okay because I can come back to my job later on.'

"I cannot believe we're doing this and that this bill has gone this far. I'm in opposition, Mr. Speaker. And I'm just really disappointed in all of us right now."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes Mr. Speaker and Members of the House, I speak in opposition. It kind of pains me, a Democrat of many, many, many years, to look at legislation like this. And it's even more painful to generally agree with my colleague across the aisle.

"I believe that a bill like this degenerates the House. It smacks of pettiness where you provide that 'thou shall not' work for the Executive or the Governor because you're an opposing Party member. But we are not looking at the broader picture. Whoever the Governor is, they should choose the person that best can serve them and serve the people of the State of Hawaii. Not being able to choose the most qualified person to serve the people of the State of Hawaii, I believe does an injustice to all the people of the State of Hawaii, regardless of Party.

"This bill does that. So I'm very sorry to say that, because I have the greatest respect for this institution. I have the greatest respect for the Chairman of the Finance Committee and Leadership, and it hurts me and pains me to say this. But I don't believe that we should be trifling a matter like this here.

"For that matter, Mr. Speaker, I wish to table this measure."

At this time, Representative Souki moved to table Stand. Com. No. 1209-10, and S.B. No. 2626, SD 1, HD 1, seconded by Representative Cabanilla.

At 3:44 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:04 o'clock p.m.

At this time, the Chair stated:

"Members, prior to recess, we were on Standing Committee Report No. 1209-10, Senate Bill No. 2626, SD 1, HD 1. There was a motion on the Floor to table the measure, and the motion was seconded. This measure will be deferred to the end of the calendar of today's agenda."

At this time, action on Stand. Com. Rep. No. 1209-10 and S.B. No. 2626, SD 1, HD 1, was deferred to the end of the calendar.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1210-10) recommending that S.B. No. 2849, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2849, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose and stated:

"Mr. Speaker, I rise with serious reservations, if not a no on this one. There seems to be some difficulty in implementing this. This is the Hawaii Employer Union Trust Fund Benefits for trustees. I believe as I quote somebody in the Finance Committee who said, I can't imagine how anyone in their right mind would become a volunteer to be a trustee of the EUTF.

"There are fiduciary responsibilities. There are threats of a punitive nature. It's just where the entire structure of the bill turns logic on its head. What's the word for voluntary spirit? That spirit of helping your community. That spirit is totally taken out of it, the same way that a lot of people earlier had a conflict of interest because they were members of community associations and boards and condominiums.

"Well if you're on the Board you usually get Board insurance in case you get sued. This one you're basically naked. You're fully exposed. And for the important service to the community through the EUTF, you are held personally liable.

"Mr. Speaker, that's not fair. This bill is written rather 'cockeyed' and I don't see how it could possibly pass because there is no possibility of anybody ever signing up and becoming a part of it, unless it becomes really restructured and reprogrammed. Thank you."

Representative Thielen rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in opposition. My opposition starts with one particular aspect of this bill, and that is the personal liability that is imposed on the fiduciary of the Hawaii employer-Union Health Benefits Trust fund (EUTF).

"On page 4, lines 17 to 22, and continuing on page 5, lines 1 to 4, this liability is spelled out. "Any person who is a fiduciary with respect to a plan and who breaches any of the responsibilities, obligations, or duties imposed on fiduciaries by this chapter shall be personally liable to reimburse any losses to the plan resulting from each breach, and to restore the plan any profits of the fiduciary that have been made through the use of assets and of the plan by the fiduciary, and shall be subject to any other equitable and remedial relief as the court may deem appropriate, including removal of the fiduciary."

"Mr. Speaker, in the case of the self-dealing prohibitions in this bill, I can understand that. But when you impose a duty that fiduciaries of the EUTF discharge their duties solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits, and the other reasons listed on pages 1 and 2, it seems as though we are severely upsetting the balance in favor of the employee in the EUTF.

"It appears that one of the fiduciary duties under this bill is to provide benefits. The cost of those benefits is not a mitigating circumstance. Taking a, "pro-management position" that attempts to control costs by capping benefits would be a breach of fiduciary duty by definition.

"Why would anyone, especially on the employer side of this joint Board, want to serve on this Board under those circumstances?"

"There are other aspects of this bill that seem to support this contention. For instance, section 3 of this bill changes the composition of the board of trustees from an even 5 to 5 split between employers and employees, to a 7 to 5 split in favor of employees.

"As if the imposition of personal liability on trustee/fiduciaries to favor employees were not enough, the voting structure gets changed to tip the balance in the favor of employees, basically undercutting management's position at the bargaining table.

"Mr. Speaker, we often pay 'lip service' to not interfering with the collective bargaining process. But bills like this show we are more than ready to change the rules of the game in such a way as to guarantee victory for one side in collective bargaining. That may not be the true definition of interfering, but it is disingenuous.

"And I fail to see how imposing personal liability on EUTF trustees and basically mandating that EUTF tow a pro-employee line rather than facilitate a collectively bargained benefit from relatively equal bargaining position, helps control health benefit costs.

"Mr. Speaker, the issue we are facing has been, and continues to be, rising health care costs. We don't solve that issue by threatening EUTF trustees, and we don't do it by slanting the playing field to favor one side in negotiations. We all know better than this."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to S.B. 2849 – Relating to the Hawaii Employer-Union Health Benefits Trust Fund. I believe that this bill, by creating separate health benefit trust funds for each bargaining unit, would retrogressively skew collective bargaining procedures, and allow certain units to obtain disproportionately favorable or unfavorable health contribution rates in comparison to one another. Both the State Department of Budget and Finance and the City and County Department of Human Resources echo the concern that S.B. 2849 will fragment the groups for which plans are purchased, and also voice doubt over motives for a switch of the retiree trustee from an employee trustee to an employer trustee. Factors determining the units' varying contribution rates would likely prove arbitrary and depend upon estimates only roughly predictable, such as the demographics of each unit and the members' anticipated use of their health benefits.

"Also, if we are to so disallow alternate impasse procedures on the health benefit contribution amount, the proposed amendments to Section 89-11 (a) and (h) would obstruct the ability for public employers and unions to flexibly resolve continuing negotiations by prioritizing the most significant issues in each discussion. Furthermore, by distilling employee and retiree groups from one another, we would sacrifice the economy of scale now established by grouping all employees into a single trust fund, and thus force the State to accrue higher costs for administrative and other functions.

"The State Office of Collective Bargaining reminds us of the various motivations Hawaii originally weighed in 2001, in the process of establishing a single health benefits delivery system for State and county employees with the current EUTF. For one, had the State maintained its prior Health Fund system, employer contribution costs would have exceeded $1,000,000,000 by 2013. Secondly, the unions had been significantly impaired in their abilities to negotiate more competitive benefit packages with insurance carriers, and to retain low costs by not offering coverage to retirees. Third, the unions had been retaining refunds for premium overpayment, even though the Health Fund had originally funded most union-plan premiums. The EUTF has mollified these concerns, but I fear that S.B. 2849 would lead them to resurface.

"The State Department of Human Resources Development strongly opposes this bill, asserting that, given its exacerbated dearth of staffing and funds, it cannot afford to effectively oversee the EUTF, as S.B. 2849 proposes. According to DHRD, "transferring the EUTF to the DHRD would not result in any cost savings that would warrant taking such action, and may in fact cause unforeseen problems which might add to EUTF's current difficulties." Given Hawaii's already dire financial situation, we cannot risk this bill's serious potential to increase costs. Let us now reconsider this murky bill, in light of the numerous objections and concerns which it has elicited. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"I rise in support. Just a point of clarification. Most private Taft Hartley trusts do impose severe and strong sanctions for breach of fiduciary responsibility, and that's all this thing does. It tracks the federal law regarding the fiduciary's responsibility to the beneficiaries of the trust. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote on this bill. Mr. Speaker, I can understand fiduciary duties and everything, but from my reading of the bill, you can actually be sued. A trustee can be actually sued if the members don't like the plan. This bill does not allow EUTF trustees to freely make decisions that would actually, what if they're thinking about sustaining the fund, or looking at things from that angle. So, Mr. Speaker, I will vote in opposition."

Representative Ward rose to respond, stating:

"Mr. Speaker, just to clarify my no vote on this bill. I think the Chair of Finance's clarification that it is simple, it's straightforward. It's not a big deal. The difficulty is, is that the EUTF, at last report, is losing a million dollars a month. Do we ask a volunteer to be responsible to 'pony up' any or part or in any way be responsible for that.

"Given the track record of EUTF and probably it's pending restructuring, how they can restructure with a bill like this, doesn't make any sense. Again, if this is common to voluntary associations, that's terrific. But in terms of what we need for the health benefit programs for the retirees and the active civil servants of this State, this bill is a 'poison pill' for the voluntary spirit. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support. Just quoting from the bill it says, 'However nothing in this section shall preclude,' and there's 1, 2, 3 items. 'Three, an employee organization from purchasing insurance to cover potential liability of one or more persons who serve in a fiduciary capacity with regard to an employee welfare benefit plan.' So I'm not sure where this idea that there can be no protection for the person volunteering came from, because it specifically says in the bill that you can get insurance.

"The other thing I would point out is that there are ERISA boards. This bill is modeled on an ERISA board. The federal statutory provision, I can never remember exactly what it stands for. But anyway, it's the federal analogue of what we're trying to do here, and they do people to volunteer on those boards. Now the Attorney General did submit testimony to the Finance Committee that we will be looking at it very carefully as we go to Conference to be sure that we follow the federal lead so as to be sure that the potential problem that previous speakers have mentioned is addressed. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2849, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1211-10) recommending that S.B. No. 950, SD 2, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 950, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1214-10) recommending that S.B. No. 2533, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2533, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. The purpose of this bill is to require an audit of the Department of Public Safety's contracts with the Corrections Corporation of America and the Federal Detention Center in Honolulu that focuses on a comparison of housing Hawaii inmates in mainland facilities and in the Federal Detention Center, with housing Hawaii inmates in Hawaii facilities operated by the State.

"Mr. Speaker, over the years we've seen different types of requests like this coming through our Legislature, and I would hear from what was being said in testimony, but often times I wouldn't hear from people who have actually been in CCA. More and more, I'm getting letters from those women who have transferred to Hawaii, as well as men who have come back from the CCA on the mainland. I've seen the facilities that are there, compared to the facilities here. And the response that I'm getting from many who come back are saying, the lack of programs, the way it's so crowded here, and that locally their needs aren't being met, having to do with any kind of education or other programs that they feel that they need that really, when they were in the mainland, really started to have them see things in a different light. That they could come back to Hawaii and make a life for themselves outside of the life of crime.

"Mr. Speaker, as we move forward with this, because I know this is going to be pushed through. One of the things that we have to absolutely take a look at is, are the majority of people who are in these mainland facilities, are they being serviced where they're coming out to be better people. And I'm going to have to say that there are quite a few who have had positive experiences. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I believe the previous speaker gave a good argument as to why we should continue and really have this audit. As was pointed out, there may be severe differences between what's happening here and on the mainland, but we really don't know because they're so far away.

"When I was Chair of Public Safety, I had the privilege to fly to Kentucky and go to Eastern Kentucky to see our female inmates. I also went to Arizona and saw the places where our male inmates are housed and, yes, sometimes we hear they have better programs. But what does that really mean. When I was talking to the gals in Kentucky, it was like you earned the right to be in the program. And if you didn't do things appropriately, then you got a lot of punishment like lockdown, or in fact you were refused your programs. So it was kind of like a 'carrot and a stick' approach that they had on the mainland.

"I'm not quite sure what the contract actually says on what kind of services we provide, but in the end, when you really look at how many women on the mainland did get the programs, it really wasn't that many as a percentage in terms of what was really housed there. So I don't think we really understand the answer of what's really working and not working.

"Until we get a handle on this argument that somehow the private sector, which is for profit, versus what we have in this State which is not-for-profit. Until we get a handle on the real differences between the two, I don't think we'll ever really understand what we need to do for the prison population and what kind of programs to provide them. So this is really a great idea. We keep trying to do this. We've had trouble with getting it through, and I really hope it makes it through this year. Thank you, Mr. Speaker."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, strong support, with written comments."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. I believe this audit is necessary in to ensure that our State tax dollars are being used adequately. Corrections Corporation of America has an ongoing contract with the Department of Public Safety for many years – housing thousands of Hawaii inmates, yet no audit has been done. The same holds true for the federal Detention Center in Honolulu. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong opposition to S.B. 2533. This measure is flawed and would require the expenditure of funds that would be unnecessary because the audits required by this measure would be repetitive. These contracts and agreements referenced in this measure are already audited on a regular basis by an independent auditor.

"Based on the foregoing reasons, I strongly oppose this measure. Given our fiscal constraints, it would not be prudent to expend limited resources on functions that are already in place. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no, and with Representatives Bertram and Hanohano being excused.

At 4:16 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2324, SD 2, HD 2
S.B. No. 2566, HD 2
S.B. No. 2849, SD 2, HD 1
S.B. No. 950, SD 2, HD 3
S.B. No. 2533, SD 1, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1218-10) recommending that S.B. No. 2105, SD 2, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1222-10) recommending that S.B. No. 2461, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2461, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, this is job killer number three. This is the increase in the car rental fee from a dollar a day, to $4.50. That's aside from the surcharge which means it's $7.50 a day. Almost $50 a week before you even get in your car.

"Mr. Speaker, we know that APEC is coming, 20 countries' heads of state are going to be here. We want to get the airport in 'ship shape.' Unfortunately, this is probably not even going to be out of the planning stage by then. So it doesn't benefit that one.

"The other thing is that as the price goes up, inevitably common sense tells you that demand is going to go down. In the Finance Committee hearing the industry told us that the more the price goes up, the more people rent their cars. The more airport-centric their location, the more rentals, regardless of price. They promised they were giving the Finance Chair and the members of the Committee that data. To this hour, I have not received anything that's counterintuitive to say that your price is going to increase your sales. It doesn't fit, doesn't follow logically.

"So, Mr. Speaker, if the industry can prove that that was the case and that they could build it and get it in time for APEC, and they could assure all the *kama'aina* renters on the weekend and for those of our colleagues on the Neighbor Island who are going to have to pay this if they do rent a car.

"It's going to be a job killer because they're going to get rid of employees. Employees, Mr. Speaker, I remind everyone, 80% of all the jobs come out of the private sector. Government is the biggest single employer, but 80% still have to go through the private sector. That's what the job killer bill is about, and this is where it's going to attack the auto industry. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations in support of S.B. 2461–Relating to Transportation. This bill amends the Hawaii Revised Statutes to raise the rental motor vehicle Customer Facility Charge (CFC) from $1/day to $4.50/day. The bill further seeks to appropriate funds out of the Rental Motor Vehicle Customer Facility Charge Special Fund for multiple purposes. While I, too, acknowledge the necessity of modernizing Hawaii's rental car facilities as essential to improving tourist numbers and overall satisfaction, we must remain steadfast in committing any and all funds generated by the CFC increase to this purpose, and this purpose alone. I also support this measure due to the fact the affected industry is one of the bill's main proponents.

"The written testimony supplied by Dollar Thrifty Automotive Group, Inc., notes that the increase will raise "approximately $500 million." Although DOT believes the increase in the CFC charge will enable the

Department to move forward with the effort to provide modernize the State's aging rental car facilities, fast track construction projects and create new jobs, care should be exercised to insure that these funds are not raided for purposes other than building the specified facility. As noted in the written testimony provided by the Tax Foundation of Hawaii: "A special fund of this size could become a very tempting target to bail out general fund programs in these difficult economic times." I also hope that this measure does not adversely impact tourism. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2461, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Brower, Marumoto, Pine, Takai, Thielen and Ward voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1223-10) recommending that S.B. No. 2897, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2897, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Har rose to speak in support of the measure, stating:

"In strong support, and may I request permission to enter written comments into the Journal."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2897 S.D. 2 H.D. 1. This bill enacts the recommendations of the Ignition Interlock Task Force made pursuant to Act 171, Session Laws of Hawaii 2008.

"Traffic fatalities and crashes continue to rise each year due to drunk drivers. I was one of the fortunate to survive my accident, but thousands of lives yearly are cut short. I strongly believe that this bill will make a significant difference and save lives. By increasing our options and enforcement methods against drunk driving – such as revoking driver's licenses for at least a year, requiring the installation of an ignition interlock device on any vehicle operated by the offender, with the cost of installation, maintenance, and calibration paid for by the offender, and requiring community service work, prison time, and a fine – we send a message that drunk driving is an incredibly serious offense, even in those cases where no innocent bystanders are harmed.

"Prior to Act 171, Hawaii was one of the only states that did not have ignition interlock laws, even though we have the highest percentage of alcohol-related traffic fatalities in the United States. The aforementioned provisions of the law will hopefully force people to think even harder about the daily consequences of driving under the influence – and will consequently save lives.

"For these reasons, I stand in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1225-10) recommending that S.B. No. 1315, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1315, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm with reservations due to the establishing of the new special fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1315, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Brower voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1228-10) recommending that S.B. No. 2610, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2610, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1229-10) recommending that S.B. No. 2144, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2144, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 48 ayes to 1 no, with Representative C. Lee voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1230-10) recommending that S.B. No. 2231, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2231, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"On Stand. Com. Rep. No. 1230, I needed to request a ruling on a potential conflict. My wife's firm represents Better Place Hawaii, which sells electric cars. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2231, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1233-10) recommending that S.B. No. 1178, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1178, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in strong support. I would also like to note that the Governor also sent down a message requesting the immediate passage of this measure, SB No. 1178, SD 2, HD 2, regarding the emergency appropriation of $40 million in general funds for the $80 million in federal funds to help our healthcare payment program.

"It's excellent, I'm glad she's on board. And I hope that she can also see some of the other emergency requests that we have in order. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1178, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

At 4:22 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2105, SD 2, HD 1
S.B. No. 2461, SD 2, HD 2
S.B. No. 2897, SD 2, HD 3
S.B. No. 1315, SD 2, HD 2
S.B. No. 2610, HD 1
S.B. No. 2144, SD 2, HD 2
S.B. No. 2231, SD 1, HD 2
S.B. No. 1178, SD 2, HD 2

At 4:22 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:51 o'clock p.m., with the Speaker presiding.

At this time, the Chair stated:

"Members, at this time we are on page 19. Let's proceed on, but prior to proceeding on, for Stand. Com. Rep. No. 1238-10, Senate Bill 1141, SD 2, HD 2, this will be moved to the end of the calendar."

Stand. Com. Rep. No. 1238-10 and S.B. No. 1141, SD 2, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1234-10) recommending that S.B. No. 2534, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2534, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Short comments in opposition. Thank you, Mr. Speaker. The bottom line on this particular measure is that we just don't have money to do this. And I'll insert written comments. Thank you."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2534. This bill requires law enforcement agencies to accept cash bonds, certified copies of pre-filed bonds and original surety or own recognizance bonds when the court is closed and stipulates prompt release after acceptance of bail. While this particular idea has many merits in that it makes the process of bail more convenient for persons in law enforcement custody and it would also theoretically reduce the expenses of the detention centers that would ordinarily be holding suspects for longer periods of time, it is simply not good legislation for us to pass.

"This bill conflicts with the provisions of HRS § 353-11.5, which restricts entry upon grounds of a Hawaii correctional facility without the permission from the administrator and the cost of compliance outweighs what little financial savings it might have provided. We simply should not be expending additional money to establish a system and/or personnel stationed at different locations in order to have the ability to submit a twenty-four hour bail."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2534, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no, and with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1235-10) recommending that S.B. No. 2884, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2884, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 49 ayes, with Representatives Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1237-10) recommending that S.B. No. 2951, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2951, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in opposition to Stand. Com. Rep. No. 1237-10. This bill is intended to provide unprecedented levels of compensation to lessees when leased public land for agricultural or pastoral uses is withdrawn, condemned or taken for public purposes.

"The DLNR strongly opposed this measure in Committee, and I believe DLNR continues to oppose its current form. This bill is extremely unfair and, "absolutely favors" a select few with what can only be termed as a kickback-like benefits to tenants who have reaped years of benefits from below market rates.

"This is not the first time that we have seen this bill before. It was originally vetoed last year by the Governor because then, as is now, it was seen as, "disproportionately and inappropriately [compensating] the lessees of public lands above other lessees of State lands."

"We can't afford to show preferential treatment to anyone at a time when revenues are falling short. This is poor legislation because it's giving a soft touch when the rest of us are facing hard times."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2951, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Thielen voting no, and with Representatives Bertram and Hanohano being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1239-10) recommending that S.B. No. 2169, SD 2, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2169, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Manahan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2169, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Souki voting no, and with Representatives Bertram and Hanohano being excused.

At 4:54 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2534, SD 2, HD 1
S.B. No. 2884, SD 2, HD 2
S.B. No. 2951, SD 2, HD 2
S.B. No. 2169, SD 2, HD 2

At 4:54 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:55 o'clock p.m.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Rhoads introduced Mr. Fetu Kolio, a resident of, and safety advocate for the Mayor Wright Homes Tenant Association.

At 4:56 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:13 o'clock p.m.

ORDINARY CALENDAR

THIRD READING

S.B. No. 2937, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2937, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Berg, Brower, Rhoads and Takai voting no, and with Representatives Bertram and Hanohano being excused.

S.B. No. 2408, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 2408, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker. I am in opposition and just have a couple sentences. This bill was amended to zero out all housing credits. I just have a lot of concerns about that. As we are hitting hard times, we're definitely going to need more affordable housing. So I just am very concerned about these amendments."

The motion was put to vote by the Chair and carried, and S.B. No. 2408, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Third Reading by a vote of 35 ayes to 14 noes, with Representatives Belatti, Berg, Brower, Carroll, Ching, Finnegan, Keith-Agaran, C. Lee, Luke, Manahan, Morita, Nishimoto, Pine and Saiki voting no, and with Representatives Bertram and Hanohano being excused.

S.B. No. 2834, SD 1:

Representative B. Oshiro moved that S.B. No. 2834, SD 1, pass Third Reading, seconded by Representative Evans.

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Thank you. Strong support."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support, but with strong reservations, to S.B. 2834 S.D. 1 – which repeals the income tax provision to require the reporting of gambling winnings but not losses.

"Upon consultations, I have decided to revise my vote of the similar H.B. 2313 from an initial "no" to one in support with strong reservations. Although I reluctantly support S.B.2834 S.D.1 because individuals should pay taxes upon actual winnings, rather than a false figure that in no way reflects their "bring home" earnings, I believe that it sends the wrong message to our residents regarding our motivations and goals here at the Legislature. While we have revoked tax exemptions and added fees, on at least 27 separate occasions during recent weeks alone, yet we restore this one first. Nonetheless, our State should tax accurately, according to the amount of one's real profit; anything more or less would be unfair to those who chose to gamble, and an insult to the integrity of justice in Hawaii.

"My reservations, however, rely upon a wholehearted conviction that S.B. 2834 sends the wrong message to our citizens, many of whom already suffer from the current economic downturn. By encouraging gambling, and even presenting it as a more lucrative activity, it promises a false remedy for the financial woes which so many of our unfortunate citizens have now stumbled upon. The marginal taxes which this bill may hand back to empty wallets in no way compare to the magnitude of loss which gamblers are likely to accrue if they are to frequent the casinos more often. Overall, therefore, this bill will weigh heavily upon individual fortunes, as it may lure citizens to gambling as a more profitable, and thus deceptively safe, financial solution.

"Further reservations rest upon a more philosophical belief that we should not reverse this vote, while holding fast to others which also drain citizen pockets with hefty taxation. Businesses, for instance, now suffer more acutely than ever from taxes raised to levels disproportionate with their earnings. We should first prioritize those most dynamic solutions which may propel themselves, by stimulating the market to keep business and employment alive. By focusing our equitable taxation strides upon gamblers rather than businesses, we are encouraging reclusiveness rather than cooperation as an economic solution. Unless we proactively turn the spotlight to the many more enduring remedies which also call for our help, our economy may wade in our current woes much longer than Hawaii can afford. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2834, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Marumoto and Thielen voting no, and with Representatives Bertram and Hanohano being excused.

S.B. No. 2395, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 2395, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On this measure, Senate Bill 2395, I rise with reservations. Thank you, Mr. Speaker. As you mentioned, there was a floor

amendment that I did pull back, and I just wanted to mention the two points that I made earlier.

"The first point is, I do believe that the bill is fatally flawed right now, or at least there's a question as to whether in fact the implementation date of the bill comes after the VEBA dies. So I've been assured by Leadership that they're going to work with the Senate Leadership to make sure that we take care of that.

"For those of you who don't know, the effective date of the bill was July 1st, 2010, and VEBA by State law right now will end on July 1st, 2010, so there was some confusion there. So the intent of the floor amendment was actually to move it to June 30 to clear that up.

"The second point is that, let me first say that I still continue to support VEBA. I do believe it has worked, it continues to work, and will work in the future. But regardless of whether you support VEBA or not, I think we all agree that the EUTF right now is not doing too well.

"The operations of EUTF are suspect. I do know that they are leaderless. They don't have an Executive Director. I also do know that they have finally over the course of a few months now, have a majority of the trustees appointed so they can start making decisions. But we've had a very difficult 12 months. The last 12 months with EUTF. I don't think it would be wise for us, after going through what we went through earlier this year, to increase the membership of the EUTF by another 40,000 members if we transfer VEBA too early.

"Now the proposed bill in front of us recommends that we do the transfer come December 31st, 2010. My recommendation is to extend it to June 30, 2011 for two reasons. The first one as I mentioned, I don't think EUTF can take the additional members right now. But number two, Mr. Speaker, as you know the public health funds typically starts on July 1st of every year and it just seems right to me to start the transfer of the VEBA on the effective date of the next planned benefit year.

"The reason for that is because when you do bids, Request For Proposals on these types of plan designs, you put the effective date, the length, and you also talk about the number of members. Right now all of that is up in the air being that they will not have open enrollment right now, and the July 1st new year has been extended to, we don't know when. But we do know that come July 1st, 2011 it should be a new year. It just seems wise that we do the transfer if we should choose to do it, at that time. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. The words of the previous speaker are very well taken. I would only add that VEBA is looking better and better as we see that the EUTF and the million dollars, and after this last bill that said the trustees are going to be liable for untold amounts of difficulties. It makes VEBA look like the story has not really been totally understood yet. I will reminisce as I did earlier when in the Finance Committee, the Auditor's report was presented and so many of us were so brain dead we never asked questions for the VEBA consultant who was in the room to give his side of the story. So, Mr. Speaker, this bill will push us down the field, and hopefully all the data will come out. And hopefully it's going to work out. Thank you."

Representative Ito rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I have one of the VEBA plans," and the Chair ruled, "no conflict."

Representative Belatti rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representatives Takai and Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Sagum rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and S.B. No. 2395, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Ward voting no, and with Representatives Bertram and Hanohano being excused.

S.B. No. 2405, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 2405, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"I'm in opposition, Mr. Speaker. What this bill does is it temporarily suspends the income tax net operating loss carry back deductions for losses that were generated in 2009 and 2010.

"This is a hard bill to swallow for many of the businesses, those 90% of the businesses that are small businesses, 'mom and pop' stores in the State of Hawaii. Many are just barely making it and we add this bill where they can't itemize deductions anymore. It's really going to hurt them.

"I've spoken, just in the last month, to so many small business owners that just make $50,000 a year, maybe even less. One owner said, 'Wow, I used to make $8,000 extra every month in my business with two or three employees. And now, I'm barely making it.' Now with the increase in cost of the unemployment insurance they're going to have to fire somebody. And then you add this. That just leaves that one person working, and really that person doesn't have a business anymore.

"I know that there are some decisions being made, but I hope that instead of just looking at the immediate savings that the State might have, that we look at the long term problems that may occur and the devastating impact on our economy that may occur."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the bill. Mr. Speaker, this is job killer number 7. This is the bill that changes the rules for the business community. This is the bill that is a takeaway. This is a bill that is going to cause a lot of hardship as my colleague has just mentioned. It's a bill that changes the rules and confuses what otherwise is a very distraught community.

"If any of you have read the *Star-Bulletin* article a few days ago. Mr. Speaker, it was shocking to learn that behind Tokyo is Honolulu as the most expensive city in, not the United States, not in the Pacific, not in the Southern Hemisphere, or the Northern Hemisphere, but in the world. Mr. Speaker, we are so designated as the second most expensive place to do business in the world.

"One of the components of why it's so expensive is taxation. This is a possibility for businesses to get their money back, particularly net

operating losses. This is an opportunity for them to hire more employees and the result is going to be the exact opposite.

"Now I know everyone's pleading, 'Well, we've got to be able to balance the budget.' Well hopefully in a few days you're going to see that there's a budget that's going to balance that does not need these kinds of figures. And does not rely upon this kind of stuff, because in the end run when we lose the employees, we've got to pay more for unemployment insurance. We've got to pay more for social services, medical insurance, etc.

"Mr. Speaker, for those who have derided the fact that the EPOD and the other budget cuts are coming, well these are private sector budget cuts that we are cutting now right in the private sector. So job killer number 7. It's real. It's coming. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support. This is job saver bill number 7. You know, it's funny. My good colleague from Hawaii Kai would knock this particular bill. He should know that if we were to charge a fee, or charge a tax, we're taking something away from the businesses.

"This bill, the language of which I wrote, especially the first part, the net operating loss part, what it does is it precludes you from carrying back your NOL. But we don't take it away. It's like borrowing money. It's like that $275 million proposal of the Governor. It's 'kicking the can down the road.' So I'm kind of doing the same thing that she is.

"But I can't understand why my good friend from Hawaii Kai would object to this because if we don't do this, then we would have to raise taxes, and that's taking. This is just a function of borrowing.

"My last point, the State of California did exactly this except they did not allow you to carry back your losses, and they did not allow you to carry forward your losses, which is a lot more draconian. All we did was borrow. We didn't take. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in strong support. Just a couple of other points to this measure. It basically, temporarily suspends the income tax net operating loss as expressed by the previous speaker. It saves about $35.2 million in fiscal year '11. So it helps us generate some savings.

"The second point I need to make is it caps the itemized deductions at $50,000 for individuals, $100,000 for couples, $80,000 for heads of household. It will save us about $49.3 million per year.

"The third point is it makes the capital goods excise tax credit a nonrefundable credit. It is similar to the Governor's bill that was approved by this House and it went up to her for her signature, that would change the order of which you can claim the credits. By doing that, we save about $7 million in fiscal year '11, $2.1 million in fiscal year '12, $700,000 in fiscal year '13, and $200,000 in fiscal year '14.

"As our previous speaker expressed, all these provisions sunset December 31st, 2015. So these are temporary measures and this is in lieu of raising personal income taxes, or the general excise tax. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition. Just short comments, Mr. Speaker. Throughout the Session I've been very careful, voting with reservations on tax increases and saying that at the end of the Session we'll have a clearer picture. I still believe that through the budget and other things that if it were up to me and I could make the decisions on the budget, that I believe, and the Minority believes, that we wouldn't have to raise taxes, or we wouldn't have to use measures like this. Although very creative and needed to move forward, I think we believe that we can still do a lot within our budget to define core services and cut more of our budget, Mr. Speaker, and find other ways to increase revenues.

"But Mr. Speaker, at this point in time, as the Session comes near an end, that we believe that there's more things that we can do so that we don't take taxes from those who are taxpayers. And in this case, this is mainly about business owners that decided to invest, and they're going to have losses. So you're talking about business owners that took, in this period of time when we had such a slowdown, businesses that could, took this money and invested it within their business and that's the kind of movement that we need.

"We need those businesses to be encouraged about what they see in the future and generate more jobs and generate more business activity. So that's one of the reasons why I will be voting no. Thank you."

Representative Ward rose to respond, stating:

"Brief rebuttal, Mr. Speaker, if I may. I really appreciate my colleague from Manoa, in Sherlock Holmes terms, the author of the crime has admitted that he is the author of the bill. And that he will take full responsibility even though he's given a few concessions that yes, it's only a loan. That is true. That is for granted. But the one thing that his profession and the advice that his profession gives, is to try to make systemically predictable the outcome of your risks.

"The point being that businesses need certainty, businesses need stability, and Mr. Speaker, we are not the Third World. In the Third World, you can have access to licenses and property, and in the next month you can lose that. We are doing with this what many places in the Third World do. They yank stuff according to who's in power. To have an economy with stable employees, you need stability.

"I think I'm preaching the choir to the author of the bill, but for the sake of the jobs that may be lost by this, that's what's down the line with job killer number 7. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2405, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen, Ward and Wooley voting no, and with Representatives Bertram and Hanohano being excused.

At 5:33 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2937, SD 1, HD 1
S.B. No. 2408, SD 2, HD 1
S.B. No. 2834, SD 1
S.B. No. 2395, SD 2, HD 1
S.B. No. 2405, SD 2, HD 1

S.B. No. 2493, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 2493, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to disclose a potential conflict. My grandson is a second-year med student at the Medical School," and the Chair ruled, "no conflict."

Representative Thielen continued in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"I am submitting comments from the UH John A. Burns School of Medicine (JABSOM) on SB No. 2493.

"What the bill does:
- Maintains the current allocation of monies in the Fund. There is no reduction to Tobacco Coalition.

- Adds new requirement that DoH and UH prepare a detailed account of revenues and expenditures.

- Extends the date JABSOM can use excess funds to cover operating expenses from 2011 to 20105, the same sunset date as its current allocation.

Why is this important to State?
- There is a shortage of physicians in Hawai'i by about 500 doctors, based on our population. This is even less than the national average.

- This is one of the most important investments the State can make to ensure healthcare for everyone in Hawai'i.

JABSOM is the best source of doctors for Hawai'i
- About 50% of the practicing physicians in Hawaii are graduates of JABSOM or its post-graduate residency programs.

- On the Neighbor Islands, where the shortages are the most acute, JABSOM is developing residency and rotation programs to give students and physicians exposure to rural practice, with some participants already indicating an interest in practicing there.

How this bill helps
- The Tobacco Settlement Fund provides funds to pay for the debt service on bonds for JABSOM construction. If there is an excess within the JABSOM allocation, it can be used for operating expenses. Currently, that excess is about $4 million. The bill simply moves the sunset date on the use for operation purposes to conform to the sunset date for JABSOM's overall allocation, which is 2015.

Avoids General Fund Impact
- If it were not possible to use Tobacco Settlement funds for operating expenses, JABSOM would have to seek general fund monies to fulfill its important mission.

- Because of UH cuts, JABSOM has already lost $5 million over the last 2 years; will probably have to share in future UH cutsback [sic], and has no reserves to absorb additional cuts such as the loss of tobacco settlement monies.

JABSOM is engaged in tobacco cessation efforts
- This includes training professionals in tobacco cessation and proving treatment."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative C. Lee rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative C. Lee's written remarks are as follows:

"The John A. Burns School of Medicine plays a vital role in training and producing medical doctors and staff for Hawaii. However, it has continually come to the Legislature, year after year, for more money to pay for its operation, after years of commitment to becoming financially self-sufficient. Using money from the Tobacco Settlement Fund to pay for continuing operations robs other public health programs and services of the funding for their operation.

"It is well past time that the School of Medicine sort out its issues, follow through on its commitment to fully funding the school of public health, and make a serious effort to help keep the doctors and staff it trains here in Hawaii, rather than continuing to lose them and their expensive taxpayer-subsidized education to other cities and states on the Mainland. This vote is not a vote against the School of Medicine, it is a vote against the manner in which the school is operated, and the harm that is being done to other programs whose funding the School of Medicine is stealing."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you, Mr. Speaker. This measure continues what we set about in 2007 to give the University of Hawaii Medical School the excess revenues from the Tobacco Settlement Funds for the express purpose of the operations of the Medical School.

"In 2007 we agreed to give it to them for four years. So it was supposed to lapse in 2011. This bill extends it out to 2015. Much has been in said over the course of almost a decade now in regards to the use of the Tobacco Settlement Funds for the Medical School and I won't reiterate all of the background.

"But I wanted to tell you that I had a great meeting with the Dean of the Medical School yesterday, and we did talk about a whole bunch of stuff, in addition to some of the history that I shared with him. But I'm still not certain what's going to happen to the Medical School or what their plans are should these funds disappear. In other words, what's going to happen to the Medical School when the $4 million that they get currently from this fund for operations, is no longer available? What happens if this bill becomes law in 2015 when they no longer have access to these funds?

"There's no answer. I've asked them to get back to me. And I'll share it with the Body once they give me their answer, but I think it's important to understand the financial plan of the Medical School, and as we move forward, the financial plan of the Cancer Research Center as well, because as you know that building is coming up pretty quick and to my knowledge there are no plans on how we're going to pay for the operations of even that facility.

"A few years ago when I spoke to Dean Cadman, we talked about the financing of the operations of the Medical School and I remember that we decided in 2001 when we provided these funds that the Medical School was going to pick up and carry the cost of operating these facilities.

"Today they say it costs about $10 million to operate the facility, and there's just not enough money that we give them and not enough money that they said they were going to raise, to cover the costs. That's the reason why they're using Tobacco Settlement Funds.

"When I talked to Dean Cadman a few years ago when we revisited this issue, he said that the reason why he wanted to separate the UH Medical School into an 11th campus of the University System, was to increase the indirect cost percentage for the campus.

"As you recall, it was about 38% for the entire campus of Manoa, and he thought they could go as high as 68%. Why that is important is because for every federal grant, whatever that indirect cost percentage is, pretty much you can multiply it so in the case of the original percentage of 33-35% you can multiply a million dollars and get $350,000 more.

"He had desired to increase it to as high 70%. So at a million dollars you can get another $700,000 to use for the operations. Back then, President McClain promised the Medical School 100% of the indirect costs, the RTRF funds, and yesterday, I found out that they only get 50%.

"So there's a whole bunch of moving things, and a whole bunch of concerns that I still have. But the bottom line is that we need a financial plan in order for all of us to succeed and to continue to support the Medical School and the University of Hawaii at Manoa, and the Cancer research center, they need to provide us with the financial plan.

"The other thing, Mr. Speaker, in regards to this bill. It's a clean bill. This bill can go to the Senate and get approved and sent to the Governor in days. My concern is that there are a number of other proposals floating around right now that propose to use additional tobacco settlement funds to balance the budget. When we do that, if we do that, we're going to pit the advocates of the anti-tobacco effort with the advocates of the Medical School. I hope that we don't have that happen in the next few days, but in

the event that that happens, sending this bill up to the Governor will just do that and we've got to be very careful.

"I hope that this Body can continue to support keeping the corpus of the endowment in the Hawaii Community Foundation intact. Support keeping the percentage going to anti-tobacco efforts if we're going to pass this bill. Thank you, Mr. Speaker."

Representative Awana rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. As I understand it, the original agreement between University of Hawaii Medical School and the State was that funds from the Tobacco Settlement Fund were to be used for a short period time which has now been extended for years. Once again, this measure asks for an extension. I support the University System and want the Medical School to succeed, but at the same time, other programs of which this fund were to be used are now suffering and I am not sure how many years the Medical School will be knocking on our doors for continued help. The Medical School must realize that the Tobacco Fund is not an open checkbook. For these reasons, and the reasons that came from previous speakers, I stand in support, but with reservations. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in support of this measure. I'd just like to cover a couple of points on why this measure is important for us to vote today. What this bill does first of all, it maintains the current allocation of moneys in the Fund and there is no reduction to the Tobacco Coalition.

"It adds a new requirement that the Department of Health and the University of Hawaii prepare a detailed account of revenues and expenditures, and that's clearly set forth in this bill. It extends the date the John A. Burns School of Medicine can use excess funds to cover operating expenses from 2011, to 2015, the same sunset date as its current allocation.

"Why is this important to the State? Well a couple of points. There is a shortage of physicians in Hawaii by about 500 doctors. This is based upon our current population. This is far less than the national average.

"We are also one of the fastest aging communities and populations in the country. This is one of the most important investments we as a Legislature and a State can make to ensure basic health care for all of us in Hawaii.

"The John A. Burns School of Medicine is also a principal source for doctors in Hawaii. About 50% of the practicing physicians in Hawaii are graduates of the John A. Burns School of Medicine or its post-graduate residency programs.

"On the Neighbor Islands, Mr. Speaker, where the shortages are most acute, the John A. Burns School of Medicine is developing residency and rotation programs to give students and physicians exposure to rural practice with some participants already indicating an interest in practicing in our rural community.

"If we're not able to use the Tobacco Settlement Funds for operating expenses, the John A. Burns School of Medicine, Mr. Speaker, would seek general funds in order for it to fulfill its mission. Because of the University of Hawaii cuts, the John A. Burns School of Medicine has already suffered about $5 million over the last two years, and there might be further cuts to the John A. Burns School of Medicine. Thank you, Mr. Speaker."

Representative Takumi rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker, in opposition. Just to address some of the comments made by the Finance Chair. You know Mr. Speaker, I was your Higher Ed Committee Chair back in the day when the John A. Burns Medical School was actually started up.

"At that time as was noted by the Representative from Pearl City, then Dean Cadman proposed the Medical School and said basically it would be self-sufficient because with the dollars that they would get from grants and what not, it would cover the operational overhead, and it sounded too good to be true and frankly it was too good to be true. Now we're on the hook for millions of dollars to continue the Medical School.

"I think the Finance Chair has the wrong perspective on this. No one is saying that we don't need doctors, or there's not a doctor shortage. It's important that we fund doctors that can provide services in our rural areas and so on. There's absolutely no disagreement to that.

"However, there is another solution besides using general fund dollars to fund the Medical School and that is, have the University of Hawaii find the dollars within their own budget to pick that up. They do have autonomy. If you recall, Mr. Speaker, previously they were fined by the Environmental Protection Agency. They used to come to the Legislature to help pay for that fine. Today we say, that EPA violation happened on your watch, you pay for it out of your own budget. That's no different than the Med School.

"A promise was made. A promise has been broken. I don't see why we have to use other dollars, whether they're tobacco dollars or general fund dollars. Scarce dollars by the way, Mr. Speaker, that could be used for other purposes to continue funding med school. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"I'm standing in support. Mr. Speaker, I would like the words from the Representative of Wahiawa to be included as my own and I have some brief comments.

"The previous speaker is correct in regards to the issue of UH autonomy, however if we're going to use that as a policy issue, then we should be consistent with that with all schools and programs within the University System, including the community colleges.

"Mr. Speaker, in regards to the issue of why this is important, unfortunately we are in and have been in a healthcare crisis currently. I think as policy makers we have to decide, how do we address the issues of providing healthcare to the people and constituents of our communities.

"Mr. Speaker, we have a shortage of doctors as previously stated, about 500 and growing. We need throughout our communities more cardiovascular specialists, gastroenterologists, we need doctors to practice internal medicine and pediatricians, gynecologists.

"Mr. Speaker, we need these physicians to be trained to have a cultural sensitivity to this great State and we need them now. In fact we need them yesterday, Mr. Speaker. So I understand the issue about the rhetoric, about what has happened in the past, and the commitments and past promises broken. However, during this current fiscal situation, we have to actually pick where we need to attack. And one of the issues right now facing the people and is actually going to cost the lives of people around us is the issues of not having adequately trained physicians ready. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"I rise in support, Mr. Speaker. First, I'd like the words of the Representatives from Mililani and Wahiawa recorded in the Journal as if they were my own. I agree with the issue of the need for more physicians, particularly under healthcare reform. They're going to be a lot more people with access and you got to have somebody to take care of them. So I think it's really important that we make sure we have an adequate supply of physicians in this State. That's what the Medical School was put there for, and I hope that's what they're going to do. Thank you."

Representative Shimabukuro rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. Just two things, I wanted to address the physician shortage. We all do realize that there's a physician shortage, but what's interesting to note is that there's no requirement for people going to the medical school, despite the fact that we provide the lion's share, the taxpayer's provide a lion's share of the cost of educating these students. There's no requirement for them to stay in Hawaii.

"So I asked the Dean, and we're going to kind of take a look at it, whether we can tie going to the University of Hawaii Medical School with a commitment to come back to Hawaii after you're done with your residency. If we can undertake that type of activity then I can say, you know what, our hard-earned dollars, whether it's tobacco dollars or tax credit dollars, are going to address the doctor shortage. That's number one.

"Number two. I mentioned it once, and I'll mention it again because I think it's a little bit complicated. Part of the financial plan, part of the financial plan that Dr. Cadman had in order to pay for the operations of the Medical School was that he was going to receive 100% of the indirect costs. I found out yesterday that they're only getting 50%. There's a 'shell game' going on and it's very confusing. So they take away $3 or $4 million to use it for other purposes, and that's why they have this big *puka*.

"So I think what we need to do is we need to figure out where all the sources of funds are, where the money is going, where the money should be going, and then get a real good picture as to what's happening. Because I believe that based on what I've heard in terms of all the research, the great research that's being done in the School of Medicine, there should be enough, or there should be more than enough money to support the operations of the Medical School if they got what they said they were going to get in the first place. Thank you, Mr. Speaker."

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and just a few brief comments related to the physician shortage. If it was a matter of addressing the physician shortage, we could take some of that money and directly apply it to things such as loan forgiveness programs, or strengthen the residency programs that we have here, where we could get a direct correlation of those people, those young doctors who are living and working here, and who are committed to staying and working here, rather than going into the operational costs for the Medical School. I would also like to adopt the words of the Representative from Pearl City in my opposition. Thank you."

Representative Yamane rose to respond, stating:

"Mr. Speaker, I'm standing a second time in rebuttal. Esteemed colleagues, when we're discussing the questions about physician shortages and addressing a wide variety of concerns regarding the healthcare.

"Mr. Speaker, these are some of the things that this money is being used for at the University School, JABSOM, to address the physicians now. Not residency programs, but for example, they're doing Big Island family medical care training expansion, in collaboration with UH Hilo and UH Manoa's nursing program. We're also providing fellowships and cardiovascular and gastroenterology services. We're also doing research in diabetes, neuroscience, HIV/AIDS, and tropical medicine affecting the people of Hawaii and the Pacific region. Also they're the only accredited hyperbaric treatment center. We're also doing collaboration with speech pathology and medical technology in Hawaii.

"Mr. Speaker, we have a huge number of local, local homegrown, home-born, home-educated students going to JABSOM. We're also encouraging them as we train them here, to stay here, and many do. We have a higher percentage than many of the other mainland universities' medical schools.

"So Mr. Speaker, if we really want to address the issue of having local doctors helping local people, then JABSOM is our only ticket right now. Thank you."

Representative Chang rose to speak in support of the measure, stating:

"I'm in support. Much has been said about former Dean Cadman and the promises that he made. Now, we have to move on. He's not here anymore. We have a new Dean in Dean Jerris Hedges and he's doing a good job. We need to support what they're doing and put out some good doctors for the State of Hawaii."

Representative Ward rose to respond, stating:

"Mr. Speaker, two footnotes and as I speak in support with reservations, one thing that came very clear from the University was that we are in the 85th percentile of retention of local graduates. In other words of all the other medical schools in the country, we're in the 85th percentile of people coming back. That actually equates to, for every 10 graduates, 5 of them come back and they put their services to the community.

"Second, one of the facts is that the Medical School attracts $56 million per year in research and other grants. So it is a money generator and if we remember when the President M.R.C. Greenwood gave her address, the leverage with the University, for every dollar, it's about six dollars at least, that they're putting into the economy. Thank you, Mr. Speaker."

Representative Luke rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just briefly in opposition. I understand what the debate is, but the concern for me is not so much whether we're dealing with access or physician availability or whatever, but it's availability of funds. And especially in a time when funds are tight, I think we need to look at all sources to figure out, how do we best optimize funds that are available to us.

"A few years ago there was a debate about the Law School. Whether the viability of the Law School in Hawaii is a real thing or it's something that we should continue to subsidize. And at that point in time, there was a threat to close down the Law School because we didn't want to subsidize it anymore.

"Some of the ideas were, whether it's through tuition or better fundraising. Those are the things that we need to kind of look at. We're not talking about just simple government services. We're talking about a University System that has the ability to tackle different types of funds. And I can tell you, the University of Hawaii School of Medicine has probably one of the lowest tuitions in the nation. I've talked to some of the students recently and a majority of the students that are there probably paid more for high school then they are paying right now. Thank you."

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, thank you. I'm still in support. This is my second time just to make a couple more points. To that very question of requiring a certain practice upon their graduation. We need to be careful of that, Mr. Speaker. We start imposing those kinds of requirements upon graduate school students, it may backfire for a couple of reasons.

"Number one, it might prevent them from seeking professional training and residency outside the State which may be beneficial for them to return. We always hear about local folks going off into the mainland, getting professional skills, getting hands-on experience and coming home. And we've greatly benefitted from their exposure and work outside, so we need to keep that in mind.

"The second point. It may make Hawaii less competitive with applicants who want the freedom to choose their training site.

"Third, Mr. Speaker. No other medical school in the country imposes that kind of restriction upon their medical students.

"Another point I think I need to make, Mr. Speaker, on the John A. Burns School of Medicine. Let's think about the name of the institution itself. We need to remember that this was the dream of our former Governor John A. Burns, that local kids in Hawaii would have the opportunity to attend medical school. That we'll be able to grow and have

our own doctors who are comfortable with overall culture, who grew up in our community, who are part and parcel of who we are.

"That's why we have purposefully and intentionally kept the tuitions at the Medical School low so that it is affordable for our local families. A high tuition increase might force some of these applicants to seek assistance through waivers and scholarships elsewhere. Just things to keep in mind, Mr. Speaker. Thank you."

Representative M. Lee rose to respond, stating:

"Mr. Speaker, just briefly again in support. We've had a lot of talk about job killers. This is a job maker. There are so many ancillary services and supportive services that develop around healthcare and healthcare is truly a growth industry in this State. So again I do support this bill. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2493, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO SETTLEMENT FUNDS," passed Third Reading by a vote of 40 ayes to 8 noes, with Representatives Belatti, Berg, C. Lee, Luke, Morita, Rhoads, Takai and Takumi voting no, and with Representatives Aquino, Bertram and Hanohano being excused.

S.B. No. 2578, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 2578, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2578, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes, with Representatives Aquino, Bertram and Hanohano being excused.

S.B. No. 2643, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 48 ayes, with Representatives Aquino, Bertram and Hanohano being excused.

S.B. No. 2001, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 2001, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative McKelvey rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support. This is a great bill, Mr. Speaker. This is trying to hold on to a very important credit in this time of fiscal uncertainty with a big deficit facing in front of us. We're having to look at deferring and/or getting rid of a lot of credits. This credit here, Mr. Speaker, is a very important credit. I invite people to look at the testimony that was submitted on this measure from the companies that are using it to hire, to expand, and to take advantage of the opportunities that are being brought home by our federal congressional delegation.

"In a perfect world, we could keep other credits going. But in an imperfect world we need to make balances and I believe this strikes the balance by continuing to have a good credit extended while still being fiscally responsible and revenue neutral. Thank you."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would request a ruling on possible conflicts on both this bill, Senate Bill Nos. 2001, and 2401. I'm affiliated with a company that has invested in qualified high-tech businesses," and the Chair ruled, "no conflict."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to SB 2001. This measure extends the tax credit for research activities for one year and repeals the technology infrastructure and high technology business investment tax credits. Investment is key to Hawaii's economic recovery. There are limited sources of revenue that will fuel recovery. These include more money being spent in Hawaii by residents, money spent by non-residents in Hawaii, and by investment.

"Hawaii has regularly been cited as one of the worst places to do business. This measure only exacerbates that already negative reputation by reneging on this particular investment credit."

The motion was put to vote by the Chair and carried, and S.B. No. 2001, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Finnegan and Thielen voting no, and with Representatives Aquino, Bertram and Hanohano being excused.

S.B. No. 2401, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 2401, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would request a ruling on possible conflicts on both this bill, Senate Bill Nos. 2001, and 2401. I'm affiliated with a company that has invested in qualified high-tech businesses," and the Chair ruled, "no conflict."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, what one hand giveth, the other hand taketh away. This is the take away side of it because it's going to be a hit to the high-tech people who are already operating. Those who are expecting some returns, and this suspends them. Before my colleague from Manoa reminds me that it's only a temporary suspension, it still is a way, in addition to the other things that basically we've told the high-tech industry, 'We had a love affair with you. We had great times together. But it's over.'

"Act 221 and the residuals of it with this bill and the other bill that we're passing, unfortunately Mr. Speaker, is going to say we're still going to go back to being a 'one horse town' with tourism, and hopefully maybe some of the defense contract spending will continue. Otherwise we've told them, we're finished. We've had our one night stand. Our decade stand, and we're over. Therefore, Mr. Speaker, this is job killer number 15 of the 15 job killers that we have introduced this Session. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. Gee, I don't know where to start. First of all, this bill will help us with the budget shortfall without again, raising general excise taxes. Without taking the TAT which will probably result in a real property tax increase. It just delays people taking their tax credit.

"In rebuttal to the prior speaker, it is not going to affect the businesses. These credits are based on money already invested. We're not taking money away from the companies. This money is gone already. It's in their pockets. All we're saying is to the investors who made the investment, we ask that you hold off on taking the credit. So this should not affect the

QHTBs, nor should it affect jobs because this is money that's already been invested. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and I'll rebut a little bit for my colleague behind me. A comment was made that this will not take away money from businesses. The way that I see this bill is, I've supported it all the way up until this point with reservations, and the way I see this bill is you're talking to investors. Investors who have already invested in corporations or companies, whether it be tech or film industry or whatever it might be, who have already invested in these companies.

"What you're telling them is, whether or not you need it back, because the investment money right now is pretty tight with these investors wherever they are. Whether or not you need the money now, it doesn't ask you can you push it off until future years. It tells you, you have to push it off until future years. You don't have an option if you've already invested.

"What this tells me is when I think with investor eyes and ears, which I'm not one of those big time investors, nor am I a little time investor actually. But whether or not what these investors are looking at, are they looking at across the nation, where can I invest my money. Well, Hawaii decided that they're going to play with their laws. All the promises that they made us. Shoop. Snap. Gone.

"Mr. Speaker, this is a reputation for Hawaii saying to investors out there across the world, across the nation, in our own home state. Don't believe us. In fact how is that going to affect the credit that we just approved but a minute ago? Are people really going to take us seriously, because when I see that kind of back pedal or putting off of giving these investment credits, to me it says huge on who we are as a state that we can't keep our promises.

"So will it affect businesses? I think it will. I think that businesses that are going out there to try and get investor money, those investors are going to look and say, 'Hmm. I'm not so sure,' because the bill that we just passed cut off potential investors coming in by cutting it short. This one will tell you, 'No. You can't claim your credit right now. In fact, why don't you wait a few years.'

"Mr. Speaker, it's possible that some of these investors could probably afford it more, but when you're talking about the perspective from where I come from, where I don't believe that we need to raise the GE tax. I don't believe that that particular threat, if we do make some really hard choices and we look at core services, and we look at additional cuts that we can make within our budget which we've already made some of them, and we offered some of them to you. I just really think that before we do this, we should be thinking about the investor. Thinking about that, and our businesses that can benefit from investors coming in and investing in their businesses. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, thank you very much. And Members of the House, I have some slight reservations. The only reservation that I have is that this measure is, and I understand why we need it. We need the money. But what I don't particularly care about is it's a deferral of the revenue that we have to pay back in a few years.

"As far as the businesses, that we're slighting business. On the contrary, we've had the most generous high-tech tax credit in the nation. For years they got a windfall from the generosity of the taxpayers of the State of Hawaii. So I think this was a gift for them for a very little while, and in fact, I think we're being too generous. I would not let them get the money back after this tax credit. I would have kept the tax credit, and not made a deferral for it. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support. It does seem to me that the Minority Leader made some good points. I do think it does raise some questions about whether investors will look at Hawaii the same way that they did before we altered this.

"I think the problem is that there are other aspects of what we're doing here that also will have an effect on investors. One is, if you look at Furlough Fridays, I don't see it as an investor. Depending on what your commitment to Hawaii is, that as a cut has to be seen as concerning if you're looking for an educated workforce. Things as basic as the Department of Health being cut back to where we're not monitoring our restaurants to be sure that you can eat at a restaurant without getting E. coli. I think that also eventually affects investment. I think not having agricultural inspectors is for certain kinds of businesses, and maybe not ones that are affected by the high-technology tax credit, but maybe some that are, I'm not sure. That also is a detriment.

"The problem is the choices that we face right now are very stark. We either keep the very basic services of public safety and education, or we give people really generous investment credits. Personally I think the decision is pretty clear. You go with the basics and I think that's what we're doing in this case. Mahalo."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with some slight reservations. In a perfect world, I don't think this bill would be necessary. Bt as the previous speakers have said we're in an imperfect world. That $92 million that will be saved could definitely come in handy to funding a furlough agreement.

"This will change investor behavior, Mr. Speaker. And I think what it's going to do is it's going to change investor behavior in that, you invest in the product, in the company and its merits. If you've got a winner company, you've got a winner idea, people are going to beat a path to your door. Build a better mouse trap, the world will come.

"We're not the only state going through a fiscal crisis. Other states are being much more draconian and just taking huge swipes all across the board, even going retroactive, despite the threat of lawsuits.

"It's a difficult one for me personally, but at the same time I understand that we have so many competing interests. I hope that investors now will look at the product, the company and what they're developing. I think when they do look at some of the winners especially in aquaculture and other areas, that they will continue to invest because these are things that are going to be very successful in the future. So it's a tough call, Mr. Speaker, but in the end, I think unfortunately we need to continue to move this one along. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, just with reservations. Mr. Speaker, I would like to just say that I reiterate that not only do we want to keep our word because our reputation is so important. With the information that the Representative of Hawaii Kai mentioned, that we're the most expensive place to do business only behind Tokyo, in the entire world. I've never been to Tokyo, but I imagine Tokyo and the services that are there, and it's just not a good reflection on Hawaii.

"But in a slight rebuttal to the Representative from Maui. Yes, in a perfect world, to use the term again, you may have those ideas that are so readily apparent that they're winners. But the fact is that's not how business works or you wouldn't have all these miracle stories. The fact is that it's like cooking. There are so many different elements to it and some of the elements might be, am I getting a credit for this? What should I do? What's the incentive for me to invest? So I don't think it's always that simplistic. I just don't think it's that simplistic.

"I also rebut somewhat the good Representative, my neighbor from Downtown. There are some other reasons for some of the other ills we've had. That is not to take away from business. We don't want to take away

from business. I'd also like additional written comments, Mr. Speaker. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on S.B. 2401--Relating to State Finances. This bill will temporarily suspend the claiming of technology infrastructure renovation and high technology business investment tax credits.

"To understand and appreciate the fiscal crisis we face as a State, it is a difficult decision to cut funding to any group or organizations. All sectors of the economy and State must be equally cognizant of the shortfalls we as state face currently face.

"My reservations are based on the premise expressed by testimony submitted by SDC Hawaii, LLC: "this proposed bill…upsets existing law and is certain to damage those companies that have relied on the investor tax credit to develop their financing plans for the remainder of this year." Making further changes to Act 221 prior to its established sunset date continues a dangerous precedent set last year wherein the Legislature upset what investors and local tech companies considered to be stable law. Major provisions within the law were then changed last Session, critically impacting companies (and costing jobs) throughout the state. "Requiring investors to defer credit claims to 2013 for investments already made could have a substantial adverse impact on their tax and cash flow situations and therefore raise significant constitutional problems of retroactivity." Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2401, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading by a vote of 42 ayes to 6 noes, with Representatives Berg, Finnegan, Keith-Agaran, C. Lee, Thielen and Ward voting no, with Representatives Aquino, Bertram and Hanohano being excused.

At 6:11 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2493, SD 2, HD 1
S.B. No. 2578, SD 1, HD 1
S.B. No. 2643, SD 1, HD 1
S.B. No. 2001, SD 1, HD 1
S.B. No. 2401, SD 1, HD 1

S.B. No. 2400, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2400, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Third Reading by a vote of 48 ayes, with Representatives Aquino, Bertram and Hanohano being excused.

At 6:12 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2400, SD 1, HD 1

CONFERENCE COMMITTEE REPORTS

At this time, the Chair announced:

"Members, please note the 48-hour notice for Conf. Com. Rep. No. 1-10."

Representatives Yamane, Mizuno and Nishimoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1642, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 1-10) recommending that H.B. No. 1642, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1-10 and H.B. No. 1642, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES," was deferred for a period of 48 hours.

END OF CALENDAR

Stand. Com. No. 1209-10 and S.B. No. 2626, SD 1, HD1:

At this time, the Chair stated:

"Members, let's go back to the end of calendar measures on page 17. Stand. Com. Rep. No. 1209-10, S.B. No. 2626, SD 1, HD 1."

At this time, Representative Souki withdrew his motion to table the measure, and Representative Cabanilla withdrew her second.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1209-10, that S.B. No. 2626, SD 1, HD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

Representative Manahan rose and asked that the Clerk record a no vote for him on the motion to recommit, and the Chair "so ordered."

Representative Ward rose to speak in support of the motion to recommit, stating:

"Mr. Speaker, I rise in support of the motion. I want you to know that I can now use this 'barf bag' as a recycling bag rather than for the worst piece of legislation this Session has had."

Representative M. Oshiro rose to speak in opposition to the motion to recommit, stating:

"Mr. Speaker, I'm going to speak against this motion. I apologize, it may have been inartfully drafted at this stage, but the basic intention is clear, Mr. Speaker. I think it's to curb a renegade Governor who both civil servants, career civil servants, administrators have concerns, and you've heard about them today, regarding the administration of Department of Human Services, Department of Ag, Department of Health, Department of Land and Natural Resources. What might occur when we leave these Chambers?

"So Mr. Speaker, I was hoping that this measure could move forward. We could have further discussion, further refinement of it. Because it simply is to protect the civil service system, and not allow it to be embedded with political favorites as she leaves office. So with that, Mr. Speaker, I'll be voting in opposition to this motion. Thank you."

Representative Souki rose and stated:

"Mr. Speaker, I wish to object to the previous speaker who was speaking against the motion, and he should speak on the issue of the recommital and not on the particular merits or the demerits of the bill."

The Chair responded, stating:

"The Chair recognizes that."

Representative Thielen rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. I'm just responding to the Finance Chair. I'm very much in support of the motion to recommit. Mr. Speaker, this measure took a hatchet and an Uzi and any other type of firearm to a measure of civil service. When you look at the bill, it just was absolutely appalling. The $500,000 fine against the Governor where the Governor would have no immunity. And then the ability to execute on property held as tenants by the entirety.

"I mean you go through the bill and it becomes worse and worse with each line, so I really applaud the fact that this bill is going to be recommitted. Thank you."

Representative Yamane rose to speak in opposition to the motion to recommit, stating:

"Mr. Speaker, I'm standing in opposition to the recommital. Thank you, Mr. Speaker. Actually the reason why I'm standing in opposition is I wish that this measure could continue to be discussed. I think there are some elements in here that have validity, that need to be further discussed. And if we're going to talk about hatchet and Uzis, I think that's what the Departments of Health, and Human Services, the income maintenance workers are feeling right now. Thank you."

Representative Marumoto rose to speak in support of the motion to recommit, stating:

"Thank you Mr. Speaker, I'm in favor of the motion to recommit and I couldn't agree more with the Speaker Emeritus when he said when he first made the motion that it degenerates the House and smacks of pettiness. So I think we should all vote for recommital. Thank you."

Representative Brower rose to speak in support of the motion to recommit with reservations, stating:

"Mr. Speaker, with reservations. I know we've had a lot of vexatious conversations, but it's really the 'pot calling the kettle black.' I remember this current Administration, in the beginning they weeded out civil service placements from the previous administration, and people are acting like they're not aware of this.

"A lot of us here believe we're champions of small businesses. We'd like to see government run like a private sector business, and this bill in a small way would help to do that. So without politics, arguably this is a good bill. It's unfortunate that it had to go down like this. In addition, you give someone a job for eight years; do you owe them a job for the rest of their lives? I agree with the comments of the Finance Chair and support him on it."

Representative Tokioka rose and asked that the Clerk record a no vote for him on the motion to recommit, and the Chair "so ordered."

Representative Ching rose to speak in support of the motion to recommit, stating:

"In strong support, and I do feel as many do, that the Representative from Maui hit it on the nose when he talked about how punitive it was."

Representative Har rose in opposition to the motion to recommit and asked that the remarks of Representatives M. Oshiro and Brower be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to speak in support of the motion to recommit, stating:

"I'm in support. I just can't believe that this still continues. I'm in disbelief by what has just been said on this Floor, that this was about revenge. Have we forgotten where we came from and how this government was formed? It was never about revenge. It was about equality for ideas.

"The Governor didn't do this. She may have eliminated positions that she felt were no longer needed, but she never did this. Where she would punish any House Member, or any of the Democrat Party just for opposing her. I cannot believe this discussion is still continuing. But I want to thank Members of this Body for in the end recognizing that this is about democracy. Not about power and the abuse of it."

Representative McKelvey rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. In support of the recommital. May I have the word of speaker of Wailuku, minus the part directed at the Finance Chair, entered into the record as if they were my own? And it's time to moveon.org, people."

The motion was put to vote by the Chair and carried, and S.B. No. 2626, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SERVICE," was recommitted to the Committee on Finance, with Representatives Har, Manahan, M. Oshiro, Tokioka and Yamane voting no, and with Representatives Aquino, Bertram and Hanohano being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1238-10) recommending that S.B. No. 1141, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1238-10, that S.B. No. 1141, SD 2, HD 2, be recommitted to the Committee on Finance, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and S.B. No. 1141, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Finance, with Representatives Aquino, Bertram and Hanohano being excused.

ANNOUNCEMENTS

Representative Luke: "Thank you, Mr. Speaker. Mr. Speaker, with your indulgence and with the Member's indulgence, can I say hello to my son who is watching us diligently on TV? Hi, Logan. Thank you."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Wednesday, April 7, 2010, at 2:30 p.m. in Conference Room 308, and the Chair "so ordered."

H.C.R. No. 216
H.C.R. No. 199

Representative Tokioka: "Thank you, Mr. Speaker. I'd like to let the caucus and everyone who's watching at home, Logan, and everyone else know that, tomorrow at 12:00 outside of Conference Room 329 we will be having a fundraiser for the Easter Seals and ARC on Kauai.

"So we'll have the pickup for many of you who have purchased your sushi from The Alley Restaurant at Aiea Bowl. Come and pick it up. They will be brining extra for those who have not already signed up. Thank you very much, Mr. Speaker."

ADJOURNMENT

At 6:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 7, 2010. (Representatives Aquino, Bertram and Hanohano were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 6, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 2056, HD 1, SD 1
H.B. No. 2197, HD 1, SD 1
H.B. No. 2568, SD 1

"April 6, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle,

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bills, copies of which are attached hereto:

S.B. No. 2570, S.D.1, H.D.2, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD."

S.B. No. 2807, S.D.2, H.D.2, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT."

Said measures passed Third Reading in the House of Representatives on this date.

Respectfully,
/s/ P Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosures

CC: Carol Taniguchi, Clerk of the Senate
Scott Nago, Chief Election Officer"

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"April 6, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

H.B. No. 2376, H.D.3, S.D.2
"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

Respectfully,
/s/ Carol Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

FORTY-FOURTH DAY

Wednesday, April 7, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Senior Pastor Thomas M. Iannucci of the Breath of Life Christian Ministries, Kauai, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Hanohano, Har and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Third Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 394 through 487) were received and announced by the Clerk:

Sen. Com. No. 394, transmitting S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO ANALYZE THE POTENTIAL DEVELOPMENT OF GEOTHERMAL ENERGY AS THE PRIMARY ENERGY SOURCE TO MEET THE BASELOAD DEMAND FOR ELECTRICITY ON THE BIG ISLAND," which was adopted by the Senate on April 6, 2010.

Sen. Com. No. 395, transmitting S.C.R. No. 209, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER (DECABDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES," which was adopted by the Senate on April 6, 2010.

Sen. Com. No. 396, transmitting H.B. No. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 397, transmitting H.B. No. 134, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 398, transmitting H.B. No. 347, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 399, transmitting H.B. No. 415, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 400, transmitting H.B. No. 674, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 401, transmitting H.B. No. 865, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 402, transmitting H.B. No. 921, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 403, transmitting H.B. No. 979, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 404, transmitting H.B. No. 1190, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 405, transmitting H.B. No. 1439, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 406, transmitting H.B. No. 1554, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 407, transmitting H.B. No. 1684, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 408, transmitting H.B. No. 1808, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 409, transmitting H.B. No. 1818, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 410, transmitting H.B. No. 1854, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 411, transmitting H.B. No. 1901, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 412, transmitting H.B. No. 1907, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 413, transmitting H.B. No. 1948, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 414, transmitting H.B. No. 1978, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TOWING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 415, transmitting H.B. No. 1985, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 416, transmitting H.B. No. 1987, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 417, transmitting H.B. No. 2000, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 418, transmitting H.B. No. 2016, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 419, transmitting H.B. No. 2020, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 420, transmitting H.B. No. 2058, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 421, transmitting H.B. No. 2061, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 422, transmitting H.B. No. 2083, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 423, transmitting H.B. No. 2084, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 424, transmitting H.B. No. 2085, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 425, transmitting H.B. No. 2086, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 426, transmitting H.B. No. 2087, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 427, transmitting H.B. No. 2129, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 428, transmitting H.B. No. 2132, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 429, transmitting H.B. No. 2133, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 430, transmitting H.B. No. 2152, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 431, transmitting H.B. No. 2239, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 432, transmitting H.B. No. 2266, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 433, transmitting H.B. No. 2267, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 434, transmitting H.B. No. 2283, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 435, transmitting H.B. No. 2288, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 436, transmitting H.B. No. 2290, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 437, transmitting H.B. No. 2294, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 438, transmitting H.B. No. 2297, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 439, transmitting H.B. No. 2318, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 440, transmitting H.B. No. 2349, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 441, transmitting H.B. No. 2376, HD 3, SD 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 442, transmitting H.B. No. 2377, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 443, transmitting H.B. No. 2381, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 444, transmitting H.B. No. 2383, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 445, transmitting H.B. No. 2409, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 446, transmitting H.B. No. 2421, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 447, transmitting H.B. No. 2441, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 448, transmitting H.B. No. 2461, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 449, transmitting H.B. No. 2486, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 450, transmitting H.B. No. 2497, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 451, transmitting H.B. No. 2503, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 452, transmitting H.B. No. 2505, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 453, transmitting H.B. No. 2533, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 454, transmitting H.B. No. 2548, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 455, transmitting H.B. No. 2561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 456, transmitting H.B. No. 2575, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 457, transmitting H.B. No. 2582, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 458, transmitting H.B. No. 2583, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 459, transmitting H.B. No. 2594, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 460, transmitting H.B. No. 2595, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 461, transmitting H.B. No. 2598, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 462, transmitting H.B. No. 2604, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 463, transmitting H.B. No. 2631, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 464, transmitting H.B. No. 2643, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 465, transmitting H.B. No. 2644, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 466, transmitting H.B. No. 2661, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 467, transmitting H.B. No. 2670, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 468, transmitting H.B. No. 2676, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 469, transmitting H.B. No. 2688, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 470, transmitting H.B. No. 2692, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 471, transmitting H.B. No. 2698, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 472, transmitting H.B. No. 2724, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 473, transmitting H.B. No. 2725, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 474, transmitting H.B. No. 2741, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 475, transmitting H.B. No. 2774, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 476, transmitting H.B. No. 2775, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 477, transmitting H.B. No. 2783, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 478, transmitting H.B. No. 2831, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 479, transmitting H.B. No. 2832, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 480, transmitting H.B. No. 2866, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 481, transmitting H.B. No. 2897, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 482, transmitting H.B. No. 2919, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 483, transmitting H.B. No. 2923, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 484, transmitting H.B. No. 2962, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 485, transmitting H.B. No. 2984, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," which passed Third Reading in the Senate on April 6, 2010.

Sen. Com. No. 486, dated April 6, 2010, informing the House that the Senate has on April 1, 2010, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 2111, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

S.B. No. 2910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Sen. Com. No. 487, dated April 6, 2010, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 2441, SD 2, HD 2
S.B. No. 2449, HD 1
S.B. No. 2488, SD 2, HD 1
S.B. No. 2697, SD 1, HD 1
S.B. No. 2745, SD 2, HD 1
S.B. No. 2859, SD 2, HD 1

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Aquino, Hanohano, Har, Nishimoto and M. Oshiro were excused.)

H.B. No. 134, HD 2, (SD 2)
H.B. No. 347, HD 2, (SD 2)
H.B. No. 415, HD 2, (SD 2)
H.B. No. 674, HD 1, (SD 1)
H.B. No. 865, HD 1, (SD 1)
H.B. No. 921, HD 1, (SD 2)
H.B. No. 979, HD 1, (SD 1)
H.B. No. 1190, HD 1, (SD 2)
H.B. No. 1439, HD 1, (SD 1)
H.B. No. 1554, (SD 1)
H.B. No. 1684, HD 2, (SD 2)
H.B. No. 1808, HD 3, (SD 1)
H.B. No. 1818, HD 2, (SD 2)
H.B. No. 1854, (SD 2)
H.B. No. 1901, HD 2, (SD 2)
H.B. No. 1907, HD 1, (SD 1)
H.B. No. 1948, HD 1, (SD 1)
H.B. No. 1978, HD 2, (SD 2)
H.B. No. 1985, (SD 1)
H.B. No. 1987, HD 2, (SD 2)
H.B. No. 2000, HD 2, (SD 2)
H.B. No. 2016, (SD 1)
H.B. No. 2020, HD 2, (SD 2)
H.B. No. 2058, HD 1, (SD 1)
H.B. No. 2061, HD 1, (SD 2)
H.B. No. 2083, HD 1, (SD 2)
H.B. No. 2084, HD 1, (SD 1)
H.B. No. 2085, HD 1, (SD 2)
H.B. No. 2086, HD 2, (SD 2)
H.B. No. 2087, HD 1, (SD 2)
H.B. No. 2129, HD 1, (SD 1)
H.B. No. 2132, HD 1, (SD 2)
H.B. No. 2133, HD 1, (SD 1)
H.B. No. 2152, HD 1, (SD 1)
H.B. No. 2239, (SD 2)
H.B. No. 2266, HD 1, (SD 1)
H.B. No. 2267, HD 1, (SD 1)
H.B. No. 2283, HD 2, (SD 1)
H.B. No. 2288, HD 1, (SD 2)
H.B. No. 2290, HD 2, (SD 1)
H.B. No. 2294, HD 2, (SD 2)
H.B. No. 2297, HD 2, (SD 2)
H.B. No. 2318, HD 2, (SD 1)
H.B. No. 2349, HD 1, (SD 2)
H.B. No. 2376, HD 3, (SD 2)
H.B. No. 2377, HD 3, (SD 2)
H.B. No. 2381, HD 2, (SD 2)
H.B. No. 2383, HD 1, (SD 2)
H.B. No. 2409, HD 2, (SD 1)
H.B. No. 2421, HD 2, (SD 2)
H.B. No. 2441, HD 2, (SD 2)
H.B. No. 2461, HD 2, (SD 2)
H.B. No. 2486, HD 2, (SD 2)
H.B. No. 2497, (SD 1)
H.B. No. 2503, HD 1, (SD 2)
H.B. No. 2505, HD 1, (SD 1)
H.B. No. 2533, HD 1, (SD 2)
H.B. No. 2548, HD 1, (SD 1)
H.B. No. 2561, (SD 1)
H.B. No. 2575, HD 2, (SD 2)
H.B. No. 2582, (SD 2)
H.B. No. 2583, (SD 2)
H.B. No. 2594, HD 2, (SD 1)
H.B. No. 2595, HD 1, (SD 2)
H.B. No. 2598, HD 1, (SD 2)
H.B. No. 2604, HD 2, (SD 2)
H.B. No. 2631, HD 2, (SD 2)
H.B. No. 2643, HD 2, (SD 2)
H.B. No. 2644, HD 2, (SD 2)
H.B. No. 2661, HD 2, (SD 2)
H.B. No. 2670, HD 1, (SD 1)
H.B. No. 2676, HD 1, (SD 1)
H.B. No. 2688, HD 1, (SD 2)
H.B. No. 2692, HD 1, (SD 1)
H.B. No. 2698, HD 2, (SD 2)
H.B. No. 2724, HD 1, (SD 1)
H.B. No. 2725, HD 1, (SD 1)
H.B. No. 2741, HD 1, (SD 2)
H.B. No. 2774, HD 2, (SD 2)
H.B. No. 2775, HD 2, (SD 2)
H.B. No. 2783, HD 2, (SD 2)
H.B. No. 2831, HD 2, (SD 2)
H.B. No. 2832, HD 1, (SD 2)
H.B. No. 2866, HD 1, (SD 1)
H.B. No. 2897, HD 1, (SD 1)
H.B. No. 2919, HD 1, (SD 2)
H.B. No. 2923, HD 2, (SD 2)
H.B. No. 2962, HD 1, (SD 2)
H.B. No. 2984, HD 2, (SD 2)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Nakashima introduced 6th, 7th and 8th grade students from Kohala Middle School attending the Hawaii Sate Science and Engineering Fair:

Ms. Mina Apostadiro, Ms. Kiana Alejandro-Cazimero, Mr. Kevin Cedillos, Mr. Eddie Skelton, Mr. Michael Bartolome, Ms. Isabel Steinhoff, Ms. Breena McAulay, Ms. Mary Ann Emeliano and Mr. Jason AhSing.

They were accompanied by chaperones, Ms. Joyce Hashimoto, Ms. Esther Hugues, and Mr. Jason AhSing, Sr.

Representative Evans introduced Mr. Russell Laros, an 8th grade student at Hualalai Academy who was also attending the Hawaii Sate Science and Engineering Fair. He was accompanied by his mother, Mrs. Wendy Laros.

Representative Morita, on behalf of the Kauai delegation, introduced students from Kauai attending the Hawaii Sate Science and Engineering Fair:

Kapaa Middle School: Mr. Cameron Williamson.

Waimea Canyon Middle School: Ms. Julia Hirano, Mr. Alex Hashimoto, Ms. Alexys Bermudez, Ms. Kayla Ishida and Mr. Kawena Warren.

Kapaa High School: Ms. Savanah Frisk.

Waimea High School: Mr. Bryson Cayaban and Ms. Wendi Tokuuke.

Kauai High School: Ms. Megan Walsh, Ms. Ashley Bonilla, Ms. Alyssa Braun, Ms. Megan Fujimoto and Ms. Isaaca Hoglen.

Representative Finnegan introduced students of the TeenPact Leadership Schools.

Representative Wooley introduced former State Senator, Rev. Bob Nakata of the Kahaluu United Methodist Church.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	Referred to:
40, SD1	Committee on Labor & Public Employment, then to the Committee on Economic Revitalization, Business, & Military Affairs
140, SD1	Committee on Education, then to the Committee on Finance
145, SD1	Committee on Higher Education
195, SD1	Committee on Education, then to the Committee on Finance
206, SD1	Committee on Housing, then to the Committee on Finance
207, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
218, SD1	Committee on Housing, then to the Committee on Judiciary
221, SD1	Committee on Education, then to the Committee on Finance
235, SD1	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Public Safety, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. No.	Re-referred to:
2346, SD1, HD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment

S.C.R. No.	Re-referred to:
178, SD1	Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATION)

The following resolution (H.R. No. 275) was announced by the Clerk and the following action taken:

H.R. No. 275, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE BOY SCOUTS OF AMERICA ALOHA COUNCIL ON ITS 100TH ANNIVERSARY," was offered by Representative Wooley.

Representative Wooley moved that H.R. No. 275 be adopted, seconded by Representative Chong.

Representative Wooley congratulated the Boy Scouts of America Aloha Council and commended them for 100 years of promoting civic-minded leaders within our local communities.

Representative Wooley then introduced the honorees representing the Boy Scouts of America Aloha Council who were seated on the Floor of the House:

Mr. Elwin Spray, National Council;
Mr. James Meyers, Koolau District Chair;
Mr. Chris Wong, Koolau District, District Executive;
Mr. Jerry Villanueva, State Attorney and Troop 117 Scoutmaster; and
Ms. Flora Obayashi Wayman, Boy Scout Commissioner.

Representative Yamashita then introduced Boy Scout Executive, Mr. Robert Nakagawa of Maui who was seated on the Floor of the House, and shared his enthusiasm for Scouting.

Representative Chong introduced members and staff of the Aloha Council who were seated on the Floor of the House:

Mr. John Henry Felix, Centennial Chair;
Mr. Ross Murakami, Council President;
Mr. Matt Hill, Interim Scout Executive and Director of Field Services; and
Ms. Crystal Allen, Development Director.

Representative Ward commended the Boy Scouts and recognized Mr. John Henry Felix for exemplifying the qualities of leadership and service promoted by Scouting.

Representative Karamatsu attributed his learning of leadership and teamwork to his participation as a Boy Scout and Eagle Scout.

Representative Ching commended the Boy Scouts for honoring heritage, building character and teaching perseverance.

At this time, Representative Chong asked Mr. Jim Meyers to lead the Boy Scouts and former Boy Scouts in the recitation of the Boy Scout oath.

The motion was put to vote by the Chair and carried, and H.R. No. 275 was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

At 12:32 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, please note that per Committee Referral Sheet No. 59 that you all received, HR No. 27 and HCR No. 68 have been re-referred solely to the Committee on Health; HR No. 34, HD 1, and HCR No. 76, HD 1, have been re-referred solely to the Committee on Health and the Committee on Human Services; and HR No. 40 and HCR No. 89 have been re-referred solely to the Committee on Agriculture.

"The Committee on Tourism, Culture, & International Affairs waived its referral to these measures and therefore it is appropriate for the House to consider action for adoption.

"Does everyone understand what we have done? To keep these measures alive, we have re-referred these measures back to the first subject committee that already had their hearings. This is to keep these measures alive for adoption."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 27; H.R. No. 34, HD 1; H.R. No. 40; H.C.R. No. 68; H.C.R. No. 76, HD 1; and H.C.R. No. 89. (Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 971-10, 972-10, 969-10, 970-10, 804-10, and 805-10, recommending referral to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans and carried. (Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki were excused)

UNFINISHED BUSINESS

H.R. No. 27 and H.C.R. No. 68:

Representative B. Oshiro moved that H.R. No. 27, and H.C.R. No. 68, be adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of both measures. Thank you. But I just wanted to mention to you and to the Members that I had a discussion with the House attorneys and there's some unclarity about whether we can do this through resolution, and in perpetuity make these decisions. The first day of December, or the month of February, forever. And I've asked them if they could provide us some guidance later.

"That's not to say this is not worthy. I think it's very much worthy. But I do believe that for resolutions, the effective date of the resolution typically ends when we end as a Legislature. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 27, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused; and

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

H.R. No. 34, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

H.C.R. No. 76, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

H.R. No. 40 and H.C.R. No. 89:

Representative B. Oshiro moved that H.R. No. 40, and H.C.R. No. 89, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in strong support of these two measures, House Resolution 40 and House Concurrent Resolution 89. Thank you, Mr. Speaker. I won't go into my usual, I guess 'song and dance' or factoids on what I've mentioned earlier, about Hawaii being the only state that can grow chocolate. I won't go into all of that because I've already done it.

"But just a week or so ago, I will say that on the second page of the local newspaper came this article, 'Sweet Chocolate Good For the Heart.' It says here that a study out of Germany, in fact the German Institute of Human Nutrition, the study's lead author Brian Buijsse, came out with that indeed people who had an average of just… now of course with all good things, too much can be too much. So it's just a little bit of chocolate. Had an average of six grams of chocolate a day, about one square of chocolate bar, and it has to be dark chocolate, had a 39% lower risk of heart attack or stroke. This study will be published today, so that was a week ago in the European Heart Journal.

"Flavonoids, which are also found in vegetables and in red wine, help the muscles and blood vessels to widen, which leads to a drop in blood pressure. So this is something that I know the cacao people have been talking about for a long time. People do eat raw cacao at health food stores, but that's just one of the many reasons why I think it's a good ag product to support. And in particular with our proximity to Asia and their ever increasing demand for high-end chocolate. Only high-end chocolate. Thank you."

Representative Ward rose, stating:

"Mr. Speaker, will my colleague accept a cacao question?"

Representative Ching responded, stating:

"Always. I will try my best to answer any question."

Representative Ward: "You mentioned, one square per day of dark chocolate. How dark does it have to be? Because my wife warned me about the milk chocolate, the content. How dark does it have to be? This is serious stuff."

Representative Ching: "No, it is. I'm not a scientist, but what we consider dark chocolate, and you'll see this in all of the new bars you'll see in Starbucks and other places that have artisan chocolate. I believe it would be 70% or higher. Of course at 90%, it's not very tasty, I have to warn you. At 90%, you don't taste too much of the sugar content. I think, but I can get back to you. Thank you."

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. And may I have the words of the previous speaker, minus the answer to the question, placed into the record as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.R. No. 40, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused; and

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," was adopted, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

STANDING COMMITTEE REPORTS

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1240-10), recommending that H.R. No. 227, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 227, entitled: "HOUSE RESOLUTION RECOGNIZING TRADITIONAL HAWAIIAN TATTOOING AS AN ART FORM," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1241-10), recommending that H.R. No. 54, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 54, HD 1, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR, AND URGING PARTICIPATION IN, THE 6TH HEALING OUR SPIRIT WORLDWIDE GATHERING," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1242-10), recommending that H.R. No. 246, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 246, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO ADOPT NATIVE HAWAIIAN BUILDING CODES," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1243-10), recommending that H.R. No. 172, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 172, HD 1, be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. I rise in support with slight reservations. This is a very worthy resolution. It's deserving of passage, but essentially it puts a taro field on the Capitol lawn. I'm not sure which side it is, or where it is, but the way the wording of the resolution is, it's saying to OHA to do it, rather than to also process it, and be sensitive to the protocol. I mention that because of the extreme amount of consensus building that the veterans for the Vietnam and Korean Memorial had to go through in order to do that.

"So this implies that, if it's not changed, that it's already a *fait accompli* and if the next Committee could look at that and say somehow, getting the permissions and the processes because when anything is put into law, there's a lot of people who want to have buy-in. A lot of people want to put their *manao* into it. So with that Mr. Speaker, I'm supporting it, but I suggest it be tweaked to be a little bit better. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I stand in support with again, just slight reservations. You know, *lo'i* are so important to our heritage of Hawaii, but I do know that there's a Hawaii Capitol Cultural District and there's a coalition that have been working for decades on this area. I'm just hoping that in coordination, that they're also considered, and all of the meaning that comes with the State Capitol is integrated.

"It sounds like a wonderful idea, but we want to make sure that there's a lot of thought put into this State Capitol's architecture and of course a *lo'i* more than likely match, but there's so many people that have been involved for many decades. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 172, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT A LOʻI BE ESTABLISHED ON THE GROUNDS OF THE STATE CAPITOL," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1244-10), recommending that H.R. No. 251, as amended in HD 1, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 251, HD 1, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Awana rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a possible conflict? Thank you. I'm both Native Hawaiian and a Hawaiian homestead lessee. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair an carried, and the report of the Committee was adopted and H.R. No. 251, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXPLORE OPPORTUNITIES TO REVISE ITS PRESENT POLICIES ON MATTERS OF SUCCESSORSHIP," was referred to the Committee on Judiciary, with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1245-10) recommending that S.C.R. No. 38, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 38, SD 1, be adopted, seconded by Representative Evans.

Representative Marumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Chief Justice Ronald T. K. Moon has served Hawaii's people his entire legal career. From his days in private practice, through being a law clerk, deputy prosecutor, Circuit Court Judge and a member of the Hawaii Supreme Court, Chief Justice Moon has been an exemplary public servant and has worked tirelessly for greater access to the judicial system for all of Hawaii's citizens. He has also been a leader and role model for members of the Korean-American community in Hawaii. Renaming the Kapolei Judicial Complex for Chief Justice Moon would honor his lifetime achievements."

Representative Ching rose to speak in support of the measure, stating:

"Thank you. I am also in strong support. Chief Justice has always been, I think, a pillar of our community. I know he pushed for this, and I'd like to add additional remarks in the Journal."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of S.C.R. 38, which recommends that the Kapolei Court Complex be renamed the "Ronald T.Y. Moon Judicial Complex".

"Ronald T.Y. Moon devoted more than four decades to serving Hawaii's judiciary, first as a law clerk to the United States District Court, then as a deputy prosecutor, a Circuit Court Judge, and as a distinguished member of Hawaii's Supreme Court. Amongst Chief Justice Moon's many accomplishments, he has created programs such as the Hawaii Appellate Mediation Program and the Access to Justice Commissions. He has openly supported the pro bono service or lawyers and has been honored by the National Center for State Courts with that organization's Distinguished Service Award for longstanding contributions to the improvement of the justice system.

"His readiness and availability to our community is seen in his association with the efforts to increase access to the judicial system, especially for traditionally underserved communities around the island.

"Recently some allegations have been made regarding Chief Justice Moon and as I have not had the chance to research the latest attacks that have been made, I stand behind what I have experienced of him and pride he engenders in the community. Thank you."

Representative Saiki rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure notwithstanding my high regard for the Chief Justice and the Senate President, who introduced this measure.

"I spoke with the Senate President a few days ago to inform her of my opposition to this resolution. I explained to her that this resolution is premature, particularly since it requests that the Kapolei Judiciary complex be named after a sitting judge. I believe that a structure should be named after a person whose legacy is enduring and has withstood the test of time. With respect to a Judiciary structure, the test should consist of at least three criteria:

1. Whether the individual has advanced the rule of law in Hawaii, both in judicial and non-judicial capacities;

2. Whether the individual has increased public confidence in our judicial system; and

3. Whether the individual has furthered justice and public access within our judicial system.

"I do not believe that the Legislature is in the best position to evaluate these criteria. Accordingly, I respectfully oppose this resolution. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 38, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED THE "RONALD T.Y. MOON JUDICIAL COMPLEX"," was adopted, with Representative Saiki voting no, and with Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 2027, HD 1, (SD 1)
H.B. No. 2028, (SD 1)
H.B. No. 2136, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bills. (Representatives Aquino, Hanohano, Har, M. Oshiro, Sagum and Souki were excused.)

ANNOUNCEMENTS

At 12:56 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

Representative McKelvey for the Committee on Economic Development, Business & Military Affairs requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and having decision making on the following measures on Thursday, April 8 at 9:00 a.m. in Room 312, and the Chair "so ordered."

HCR No. 235, HD 1, and HR No. 165, HD 1
Supporting the Phase Out of Production and Importation of Decabromodipheny Ether and all other Polybrominated Diphenyl Ethers in the United States.

Representative Evans: "Thank you, Mr. Speaker. I'd like to remind people that tomorrow, the Heritage Caucus is hosting an economic forum with a panel to talk about Heritage Tourism. It will be held in the Auditorium. We're pleased that we have such positive response, so we're moving it from Room 329, down to the Auditorium. Continental breakfast from 7:30 to 8:00, followed by panel discussion from 8:00 to 9:00. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:59 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 8, 2010. (Representatives Aquino, Hanohano, Har, Ito, C. Lee, Nakashima, M. Oshiro, Sagum, Saiki, Shimabukuro, Souki, Takai and Wakai were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 7, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 134, HD 2, SD 2
H.B. No. 347, HD 2, SD 2
H.B. No. 415, HD 2, SD 2
H.B. No. 674, HD 1, SD 1
H.B. No. 865, HD 1, SD 1
H.B. No. 921, HD 1, SD 2
H.B. No. 979, HD 1, SD 1
H.B. No. 1190, HD 1, SD 2

H.B. No. 1439, HD 1, SD 1
H.B. No. 1554, SD 1
H.B. No. 1684, HD 2, SD 2
H.B. No. 1808, HD 3, SD 1
H.B. No. 1818, HD 2, SD 2
H.B. No. 1854, SD 2
H.B. No. 1901, HD 2, SD 2
H.B. No. 1907, HD 1, SD 1
H.B. No. 1948, HD 1, SD 1
H.B. No. 1978, HD 2, SD 2
H.B. No. 1985, SD 1
H.B. No. 1987, HD 2, SD 2
H.B. No. 2000, HD 2, SD 2
H.B. No. 2016, SD 1
H.B. No. 2020, HD 2, SD 2
H.B. No. 2058, HD 1, SD 1
H.B. No. 2061, HD 1, SD 2
H.B. No. 2083, HD 1, SD 2
H.B. No. 2084, HD 1, SD 1
H.B. No. 2085, HD 1, SD 2
H.B. No. 2086, HD 2, SD 2
H.B. No. 2087, HD 1, SD 2
H.B. No. 2129, HD 1, SD 1
H.B. No. 2132, HD 1, SD 2
H.B. No. 2133, HD 1, SD 1
H.B. No. 2152, HD 1, SD 1
H.B. No. 2239, SD 2
H.B. No. 2266, HD 1, SD 1
H.B. No. 2267, HD 1, SD 1
H.B. No. 2283, HD 2, SD 1
H.B. No. 2288, HD 1, SD 2
H.B. No. 2290, HD 2, SD 1
H.B. No. 2294, HD 2, SD 2
H.B. No. 2297, HD 2, SD 2
H.B. No. 2318, HD 2, SD 1
H.B. No. 2349, HD 1, SD 2
H.B. No. 2376, HD 3, SD 2
H.B. No. 2377, HD 3, SD 2
H.B. No. 2381, HD 2, SD 2
H.B. No. 2383, HD 1, SD 2
H.B. No. 2409, HD 2, SD 1
H.B. No. 2421, HD 2, SD 2
H.B. No. 2441, HD 2, SD 2
H.B. No. 2461, HD 2, SD 2
H.B. No. 2486, HD 2, SD 2
H.B. No. 2497, SD 1
H.B. No. 2503, HD 1, SD 2
H.B. No. 2505, HD 1, SD 1
H.B. No. 2533, HD 1, SD 2
H.B. No. 2548, HD 1, SD 1
H.B. No. 2561, SD 1
H.B. No. 2575, HD 2, SD 2
H.B. No. 2582, SD 2
H.B. No. 2583, SD 2
H.B. No. 2594, HD 2, SD 1
H.B. No. 2595, HD 1, SD 2
H.B. No. 2598, HD 1, SD 2
H.B. No. 2604, HD 2, SD 2
H.B. No. 2631, HD 2, SD 2
H.B. No. 2643, HD 2, SD 2
H.B. No. 2644, HD 2, SD 2
H.B. No. 2661, HD 2, SD 2
H.B. No. 2670, HD 1, SD 1
H.B. No. 2676, HD 1, SD 1
H.B. No. 2688, HD 1, SD 2
H.B. No. 2692, HD 1, SD 1
H.B. No. 2698, HD 2, SD 2
H.B. No. 2724, HD 1, SD 1
H.B. No. 2725, HD 1, SD 1
H.B. No. 2741, HD 1, SD 2
H.B. No. 2774, HD 2, SD 2
H.B. No. 2775, HD 2, SD 2
H.B. No. 2783, HD 2, SD 2
H.B. No. 2831, HD 2, SD 2
H.B. No. 2832, HD 1, SD 2
H.B. No. 2866, HD 1, SD 1
H.B. No. 2897, HD 1, SD 1
H.B. No. 2919, HD 1, SD 2
H.B. No. 2923, HD 2, SD 2
H.B. No. 2962, HD 1, SD 2
H.B. No. 2984, HD 2, SD 2

House Communication dated April 7, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 16, 2010, and gives notice of intent to agree to the following House Bills:

H.B. No. 2028, SD 1
H.B. No. 2136, SD 1

House Communication dated April 7, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 23, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2027, HD 1, SD 1

FORTY-FIFTH DAY

Thursday, April 8, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Bob Nakata of the Kahalu'u United Methodist Church, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Hanohano, Har, Karamatsu and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fourth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 488 through 496) were received and announced by the Clerk:

Sen. Com. No. 488, transmitting S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO USE AND CONSIDER GENDER EQUALITY WHEN APPOINTING JUDGES AND JUSTICES TO HAWAII COURTS," which was adopted by the Senate on April 7, 2010.

Sen. Com. No. 489, transmitting S.C.R. No. 75, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," which was adopted by the Senate on April 7, 2010.

Sen. Com. No. 490, transmitting S.C.R. No. 124, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN," which was adopted by the Senate on April 7, 2010.

Sen. Com. No. 491, transmitting S.C.R. No. 202, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," which was adopted by the Senate on April 7, 2010.

Sen. Com. No. 492, transmitting S.C.R. No. 228, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," which was adopted by the Senate on April 7, 2010.

Sen. Com. No. 493, informing the House that the Senate has on April 6, 2010, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 2357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING."

S.B. No. 2921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES."

Sen. Com. No. 494, dated April 7, 2010, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 633, SD 1, HD 2
S.B. No. 1062, SD 1, HD 1
S.B. No. 1230, SD 2, HD 1
S.B. No. 1315, SD 2, HD 2
S.B. No. 2001, SD 1, HD 1
S.B. No. 2068, SD 2, HD 1
S.B. No. 2109, SD 2, HD 1
S.B. No. 2116, SD 2, HD 2
S.B. No. 2159, HD 1
S.B. No. 2165, SD 1, HD 2
S.B. No. 2169, SD 2, HD 2
S.B. No. 2173, SD 1, HD 1
S.B. No. 2220, SD 1, HD 2
S.B. No. 2231, SD 1, HD 2
S.B. No. 2256, SD 1, HD 1
S.B. No. 2257, SD 2, HD 1
S.B. No. 2378, SD 2, HD 1
S.B. No. 2385, SD 1, HD 1
S.B. No. 2386, HD 1
S.B. No. 2400, SD 1, HD 1
S.B. No. 2401, SD 1, HD 1
S.B. No. 2402, SD 1, HD 1
S.B. No. 2405, SD 2, HD 1
S.B. No. 2408, SD 2, HD 1
S.B. No. 2409, HD 3
S.B. No. 2434, SD 1, HD 1
S.B. No. 2452, SD 2, HD 2
S.B. No. 2523, SD 2, HD 2
S.B. No. 2527, SD 2, HD 2
S.B. No. 2545, SD 2, HD 2
S.B. No. 2547, SD 1, HD 1
S.B. No. 2563, SD 1, HD 2
S.B. No. 2578, SD 1, HD 1
S.B. No. 2589, SD 2, HD 1
S.B. No. 2593, SD 1, HD 2
S.B. No. 2607, SD 2, HD 1
S.B. No. 2695, SD 1, HD 1
S.B. No. 2709, SD 1, HD 3
S.B. No. 2817, SD 1, HD 1
S.B. No. 2825, SD 1, HD 1
S.B. No. 2828, SD 1, HD 3
S.B. No. 2863, SD 2, HD 2
S.B. No. 2903, SD 2, HD 1
S.B. No. 2951, SD 2, HD 2

Sen. Com. No. 495, dated April 7, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 840, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 1019, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 1853, SD 1	Sakamoto, Chair; Galuteria, Kidani
H.B. No. 1862, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 1863, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 1900, SD 1	Espero, Chair; Bunda, Hemmings
H.B. No. 1907, HD 1, SD 1	Kim, Chair; Kokubun

H.B. No. 1927, HD 2, SD 1 — Baker, Chair; English, Co-Chair; Slom

H.B. No. 2077, HD 1, SD 1 — Sakamoto, Chair; Kidani, Hemmings

H.B. No. 2197, HD 1, SD 1 — Gabbard, Chair; Baker, Co-Chair; Hemmings

H.B. No. 2289, HD 2, SD 1 — Baker, Chair; Espero, Hemmings

H.B. No. 2351, SD 1 — Espero, Chair; English, Co-Chair; Hemmings

H.B. No. 2397, HD 1, SD 1 — Taniguchi, Chair; Takamine, Nishihara, Slom

H.B. No. 2546, SD 1 — Baker, Chair; Ige, Co-Chair; Hemmings

H.B. No. 2784, HD 1, SD 1 — Taniguchi, Chair; Nishihara, Slom

H.B. No. 2845, HD 1, SD 1 — Hee, Chair; Sakamoto, Co-Chair; Bunda, Galuteria, Hemmings

Sen. Com. No. 496, dated April 7, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 466, SD 2, HD 1 — Gabbard, Chair; Taniguchi, Co-Chair; Hemmings

S.B. No. 633, SD 1, HD 2 — Hee, Chair; Bunda, Hemmings

S.B. No. 898, SD 2, HD 1 — Espero, Chair; Taniguchi, Co-Chair; Bunda, Takamine, Hemmings

S.B. No. 1059, SD 2, HD 3 — Espero, Chair; Taniguchi, Co-Chair; Kidani, Takamine, Slom

S.B. No. 1062, SD 1, HD 1 — Baker, Chair; Ige, Hemmings

S.B. No. 1315, SD 2, HD 2 — Hee, Chair; Espero/Tsutsui, Co-Chairs; Kokubun, Hemmings

S.B. No. 2068, SD 2, HD 1 — Sakamoto, Chair; Kim, Co-Chair; Chun Oakland, Kidani, Tsutsui

S.B. No. 2109, SD 2, HD 1 — Sakamoto, Chair; Tsutsui, Co-Chair; Galuteria, Kidani, Hemmings

S.B. No. 2116, SD 2, HD 2 — Sakamoto, Chair; English/Taniguchi, Co-Chairs; Kidani, Slom

S.B. No. 2159, HD 1 — Taniguchi, Chair; Kim, Co-Chair; Takamine

S.B. No. 2165, SD 1, HD 2 — Baker, Chair; Espero, Hemmings

S.B. No. 2169, SD 2, HD 2 — Hee, Chair; Taniguchi, Co-Chair; Bunda, Takamine, Slom

S.B. No. 2173, SD 1, HD 1 — Kim, Chair; Tsutsui, Co-Chair; Galuteria, Hemmings

S.B. No. 2220, SD 1, HD 2 — Baker, Chair; Sakamoto, Hemmings

S.B. No. 2231, SD 1, HD 2 — Gabbard, Chair; English/Kim, Co-Chairs; Green, Hemmings

S.B. No. 2256, SD 1, HD 1 — Sakamoto, Chair; Tsutsui, Co-Chair; Galuteria, Kidani, Hemmings

S.B. No. 2257, SD 2, HD 1 — Sakamoto, Chair; Tokuda/Tsutsui, Co-Chairs; Kidani, Slom

S.B. No. 2378, SD 2, HD 1 — Hee, Chair; Taniguchi, Co-Chair; Bunda, Takamine, Slom

S.B. No. 2385, SD 1, HD 1 — Tokuda, Chair; Tsutsui, Co-Chair; Slom

S.B. No. 2386, HD 1 — Tokuda, Chair; Tsutsui, Co-Chair; Hemmings

S.B. No. 2400, SD 1, HD 1 — Kim, Chair; Tsutsui, Galuteria, Hemmings

S.B. No. 2408, SD 2, HD 1 — Hee, Chair; Sakamoto, Co-Chair; Fukunaga, Hemmings

S.B. No. 2409, HD 3 — Hee, Chair; Bunda, Hemmings

S.B. No. 2434, SD 1, HD 1 — Sakamoto, Chair; Tsutsui, Co-Chair; Kidani

S.B. No. 2441, SD 2, HD 2 — Gabbard, Chair; Hee/Taniguchi, Co-Chairs; Hooser, Slom

S.B. No. 2449, HD 1 — English, Chair; Nishihara, Slom

S.B. No. 2452, SD 2, HD 2 — Sakamoto, Chair; Tsutsui, Co-Chair; Galuteria, Kidani, Hemmings

S.B. No. 2488, SD 2, HD 1 — Gabbard, Chair; Baker, Co-Chair; Hemmings

S.B. No. 2523, SD 2, HD 2 — Hee, Chair; Kim, Co-Chair; Hemmings

S.B. No. 2527, SD 2, HD 2 — Hee, Chair; Bunda, Hemmings

S.B. No. 2545, SD 2, HD 2 — English, Chair; Baker, Co-Chair; Hemmings

S.B. No. 2547, SD 1, HD 1 — Hee, Chair; Bunda, Hemmings

S.B. No. 2563, SD 1, HD 2 — Gabbard, Chair; Kim, Co-Chair; Hemmings

S.B. No. 2578, SD 1, HD 1 — Sakamoto, Chair; Kim, Co-Chair; Galuteria

S.B. No. 2589, SD 2, HD 1 — Sakamoto, Chair; Kim, Co-Chair; Chun Oakland, Kidani, Hemmings

S.B. No. 2593, SD 1, HD 2 — Sakamoto, Chair; Tsutsui, Co-Chair; Chun Oakland, Galuteria, Hemmings

S.B. No. 2607, SD 2, HD 1 — Nishihara, Chair; Baker, Co-Chair; Galuteria, Tsutsui, Slom

S.B. No. 2695, SD 1, HD 1	Kim, Chair; Kidani, Kokubun
S.B. No. 2697, SD 1, HD 1	Baker, Chair; Espero, Hemmings
S.B. No. 2709, SD 1, HD 3	Sakamoto, Chair; Gabbard/Tsutsui, Co-Chairs; Kidani, Hemmings
S.B. No. 2745, SD 2, HD 1	Espero, Chair; Taniguchi, Co-Chair; Hemmings
S.B. No. 2817, SD 1, HD 1	Gabbard, Chair; Baker, Co-Chair; Green
S.B. No. 2825, SD 1, HD 1	Kim, Chair; Galuteria, Tsutsui, Hemmings
S.B. No. 2828, SD 1, HD 3	Sakamoto, Chair; Tsutsui, Co-Chair; Galuteria, Kidani, Hemmings
S.B. No. 2859, SD 2, HD 1	English, Chair; Baker, Co-Chair; Slom
S.B. No. 2863, SD 2, HD 2	English, Chair; Tsutsui, Co-Chair; Slom
S.B. No. 2903, SD 2, HD 1	Hee, Chair; Tokuda/Sakamoto/Tsutsui, Co-Chairs; Slom
S.B. No. 2951, SD 2, HD 2	Hee, Chair; Kim, Co-Chair; Takamine, Hemmings

The following communications from the Senate (Sen. Com. Nos. 497 through 502) were received by the Clerk:

Sen. Com. No. 497, transmitting H.B. No. 2003, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," which passed Third Reading in the Senate on April 8, 2010.

Sen. Com. No. 498, transmitting H.B. No. 2200, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 8, 2010.

Sen. Com. No. 499, transmitting H.B. No. 2306, HD 2, SD 3, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," which passed Third Reading in the Senate on April 8, 2010.

Sen. Com. No. 500, transmitting H.B. No. 2450, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," which passed Third Reading in the Senate on April 8, 2010.

Sen. Com. No. 501, transmitting H.B. No. 2542, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," which passed Third Reading in the Senate on April 8, 2010.

Sen. Com. No. 502, transmitting H.B. No. 2690, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on April 8, 2010.

Representative B. Oshiro moved to disagree to the amendments proposed by the Senate to the House Bills returned to the House, seconded by Representative Evans and carried: (Representatives Aquino, Hanohano, Har, Karamatsu, M. Oshiro and Rhoads were excused.)

H.B. No. 2003, HD 3, (SD 2)
H.B. No. 2200, HD 1, (SD 2)
H.B. No. 2306, HD 2, (SD 3)
H.B. No. 2450, HD 1, (SD 2)
H.B. No. 2542, HD 1, (SD 2)
H.B. No. 2690, (SD 2)

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 68 through 70) were received by the Clerk and were placed on file:

Dept. Com. No. 68, dated April 6, 2010, from Elisabeth Chun, Executive Director, Good Beginnings Alliance, transmitting the 2009 Good Beginnings Alliance Annual Report to the Regular Session of the 2010 Legislature as required by Act 77: An Act Relating to Early Childhood Education. This will be the final report to the Legislature, as Act 77 will sunset on June 30, 2010.

Dept. Com. No. 69, dated April 5, 2010, from Jeffrey K. Eng, Director, Department of Water Supply, County of Maui, transmitting a letter asking consideration to not suspend the distribution of the transient accommodations tax (TAT) revenues to the counties.

Dept. Com. No. 70, dated April 7, 2010, from Marion M. Higa, State Auditor, transmitting the report, Management Audit of the Aloha Tower Development Corporation.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Mizuno introduced 8 year old Master Mitchell Ganeku, who was diagnosed with a rare form of anemia; his parents Mrs. Norma and Mr. Nelson Ganeku; and Mr. Roy Yonashiro of the Hawaii Bone Marrow Donor Registry.

Representative Marumoto, on behalf of Representatives Berg, Nishimoto, Say, Ward and herself, introduced the 6th grade students of Kaimuki Christian School. They were accompanied by their teacher, Mrs. Chau Sachs, and parent chaperone, Mrs. Carolyn Ramesar.

Representative Magaoay introduced his constituent, Ms. Tammy Escorzon of Waialua.

At 12:15 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	**Referred to:**
99	Committee on Energy & Environmental Protection
209, SD1	Committee on Health, then to the Committee on Economic Revitalization, Business, & Military Affairs

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.B. No.	Re-referred to:
2984, HD2, SD2	Committee on Finance

H.R. No.	Re-referred to:
233, HD1	Committee on Human Services

H.C.R. No.	Re-referred to:
318, HD1	Committee on Human Services

S.B. No.	Re-referred to:
1230, SD2, HD1	Committee on Finance

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that SB No. 2346, SD 1, HD 1, has been re-referred solely to the Committees on Education, and Labor & Public Employment, per committee Referral Sheet No. 61. The Committee on Judiciary, Chair Karamatsu, waived its referral to these measures, and therefore it is appropriate for this House to consider action for passage on Third Reading."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.B. No. 2346, SD 1, HD 1. (Representatives Aquino, Hanohano, Har and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 778-10, recommending referral to the Committee on Judiciary, seconded by Representative Evans and carried. (Representatives Aquino, Hanohano, Har and M. Oshiro were excused.)

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Aquino, Hanohano, Har and M. Oshiro were excused.)

UNFINISHED BUSINESS

S.B. No. 2346, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S. B. No. 2346, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Hanohano, Har and M. Oshiro being excused.

At 1:03 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2346, SD 1, HD 1

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Aquino, Hanohano, Har and M. Oshiro were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-10 and H.B. No. 1642, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1642, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, this is a carryover from last year. The Conference Committee was the first of the year and I didn't have a full grasp of what was going on.

"One of the reasons why this is not a good bill is that it does an end run around two things. One, the private sector and it puts an uneven playing field on the bidding process. I know it's been sold as something that's transparent, but the way I see it now, if you're a private sector company, you weigh in with all your clothes on and the others weigh in naked. It's not the same amount of emphasis if you will for private sector.

"I know there's a trend in the nation to get more centralized, more government centric, but this thing takes it away to say, 'Well we don't want it in the Department of Human Services.' Anybody can do anything in the private sector, because basically we're going to shut down a company, and we're going to tell others, do not apply. Or do not come forward because we look askance on you.

"Mr. Speaker, you know our reputation as business or place to do business. The cost of doing business, we're second to Tokyo, etc. This will not help us. It will only hurt us and unfortunately this deserves and will likely get a veto. So it's our chance to vote it down now rather than later. Thank you, Mr. Speaker."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Just to respond to what was said earlier. I know that that has been a concern. That people feel this bill is basically going to shut out all for-profit insurance companies forever and ever, and that's not true.

"The fact of the matter is, is that this bill is looking at the RFP process. Proposals, unlike bids, can be considered in their entirety. DHS has the right to choose. They don't have to choose the lowest proposal. They can choose what they think is the best proposal.

"So nothing is stopping for-profit companies, who by the way choose to be for-profit companies. Obviously because they looked at both sides and decided that there's an advantage to being a for-profit company. There's nothing stopping them from submitting these proposals, making all the arguments that they have been making against this bill to say that, 'Us being a for-profit, there's various rebates involved. There's various advantages to you as a state.' All we're saying is that you need to be transparent.

"The fact of the matter is, there's a premium tax that has to be paid. Under our procurement laws, you can't skirt around that. You need to be transparent and forthcoming in what exactly the costs are to the taxpayers of this State.

"Another thing I'd like to say is that when we're talking about these proposals, there's no set amount that everyone's required to use in terms of reimbursement rates. A company can choose whatever reimbursement rate they want. It's not to say that if you're a for-profit company, your proposal still might be lower than a non-profit company because you may have decided to use different reimbursement rates. You may have decided to tailor your services in a different way.

"All we're saying is that we want this process to be fair. Right now the tables are actually turned. The process is actually unfair to the non-profits because there're these hidden rebates and hidden charges to us taxpayers that are not being shown in the RFP. I have additional written comments to submit."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 1642. The purpose of this bill is to ensure fair and equitable practices in the procurement bid process as it affects proposals for purchases of health and human services.

"The bill corrects a current DHS procurement practice, whereby for-profit organizations are allowed to submit a "pre-tax" bid that gives them an unfair advantage over non-profits which are not subject to the insurance premium tax mandated by Hawaii law.

"The need for this corrective legislation was clearly demonstrated when, in 2008, two for-profit companies bid for, and were awarded, QUEST Expanded Access Program contracts. As part of the award package, the Department provided rebates on the 4.265 % tax, resulting in a higher award amount than the companies had bid. As noted in the Conference Committee Report, this waiver of taxes by the Executive Branch may be seen as assuming a power that belongs solely to the Legislative Branch of government.

"HB 1642, as amended by your Conference Committee, makes it clear that bid proposals should contain all costs, fees, and any taxes that the party submitting the proposal may be obligated to pay. Furthermore, the bill prohibits any award or contract to include any payment or rebates that were not included in the proposal. The bill does not end existing contracts awarded on a less-than-level playing field, but it does ensure fairness in future bids and awards.

"This bill began its long journey early in the last Session. At every step of the way, it has enjoyed unanimous support in both the House and Senate. I urge my colleagues to continue their support and vote favorably for this bill, and I offer for your consideration the following answers to issues that have been raised in opposition to this bill.

"Issues Raised in Opposition to HB1642 HD1 SD2 CD1

1. The State will lose funding if this bill passes.
Answer: This is not true at all. If the amount of the tax is included in the bid, the State will receive the same amount of federal funding that it receives now. For example, if the $25 million in taxes is included in the bid proposal, the State will get the same amount of funding that it receives now. And the procurement process would be transparent.

2. People will lose their jobs if this bill passes.
Answer: The current contract does not terminate until June 30, 2011 so no one will lose their jobs. DHS must issue a new RFP and companies are allowed to bid again.

3. DHS and one company who has the contract states that it cannot win the bid if the bill passes.
Answer: This is not true that a profit making company cannot win the bid, and that a not-for-profit will always win the bid. The companies bidding do not submit a proposal based on identical reimbursement rates. There are many variables that go into a bid proposal, especially how much a company will pay physicians and hospitals for their services. A profit-making company may pay less than a not-for-profit company and thereby have a lower bid.

4. This bill could disrupt services to seniors and the disabled.
Answer: This is not true. Nothing in this bill will affect the current contract and services they provide to seniors and the disabled.

5. The lawsuits against DHS were dismissed as meritless.
Answer: This is not true. The federal court dismissed the lawsuit for lack of standing (a legal doctrine where a person suing must show a legally protected interest) and the court never decided the issues regarding the merits of the case."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. I appreciate the words of the previous speaker. In fact, I do agree with her. This bill is about transparency, but there's a larger policy issue that we as a Body need to address and that is, are we going to continue charging a premium tax to for-profit insurers?

"As you know just a few days ago we lost our only for-profit health insurer in the State because, truthfully, health insurance is such a slim margin industry that at 4.2% behind, they just really can't compete. I believe that the larger issue is, we should treat all of them fairly if we want the market place to thrive.

"We should charge a premium tax across the board, or we should eliminate the premium tax across the board. Having said that though, I do agree that this bill attempts to make the process transparent. But in the process of making the process transparent, I do believe that in effect what we're going to do is chase out all the for-profit organizations as they attempt to bid, or put in the request for a proposal for future contracts.

"That is a concern because I think when we narrow the marketplace, we in fact hurt business and hurt government. What I'd like to see is a thriving marketplace and we've just got to level the playing field. Thank you, Mr. Speaker."

Representative C. Lee rose in support of the measure with reservations and asked that the remarks of Representative Shimabukuro be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ito rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose in support of the measure with reservations and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Luke rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tsuji rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cabanilla rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose to speak in opposition to the measure, stating:

"I'm in opposition, with the words the Representative from Aiea as my own. I can't say it any better than he did."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition. When I first took a look at this, it looked like a pretty confusing bill. What was it getting down to and everything. So I went and read the testimony that was submitted to the Conference Committee and I just kind of want to read a little bit of it that was submitted.

"DHS was in opposition to this bill and they say:

"The contracts for the Department's QUEST expanded access program were awarded to two for-profit companies, Evercare and Ohana. Because these two companies are for-profit, they must pay Hawaii premium insurance tax.

From the start of these contracts on February 1st 2009 through June 30th, 2010, the State Treasury received a total of $21.4 million in federal funds for the premium insurance tax paid by Evercare and Ohana Care, under their QUEST expanded contracts. By the end of the contract period on June 30th, 2014, the cumulative amount of the federal funds that the State Treasury will receive is $67.8 million.

The State would not have received these federal funds if the QUEST expanded contracts had been awarded to non-profit or mutual benefit society companies that pay no premium insurance taxes because they're exempt by State law. If not for the premium insurance tax paid by Evercare and Ohana, the State deficit would now be $34.1 million worse. Equally significant is that Evercare and Ohana currently employ about 260 local full time employees."

"It also goes on to say that, because what this bill said, and the testimony, and some of the things that have been said. It talks about DHS doing things that were illegal or against federal law or federal rules. And it says here, 'in fact the federal government has reviewed the matter in court and concluded that the claims against the State are meritless.'

"As I'm taking a look at this I go, if it is an unfair playing level, and the feds are going to pay for this insurance premium tax through the contract and then therefore we get this additional money from the feds and that actually puts those companies to compare the prices of what a non-profit would bid, and what these for-profit companies would bid, and now it would be on a level playing field.

"If DHS, and you can question this, but if DHS says you're going to get a better product out of it when they're on the same playing field, my natural instinct or thought process would be, a non-profit would be cheaper or have a better product. For-profit, when you just look at the words, for-profit and non-profit. That the non-profit would end up being better or cheaper or both because they're not making any profits.

"So that's one of the things that just really confuses me. Are we then with this bill not allowing for a better product, whether it's not non-profit or for-profit to come forth? I'm not sure.

"Mr. Speaker, I'd like to also refer to the Department of Human Services letter to Neil Abercrombie that was received May 21st, 2008, and also DHS in a response to Senator Colleen Hanabusa back in December 26, 2007. Thank you.

"Again, Mr. Speaker, when we're looking at medical costs, and I think one of the speakers earlier talked about well reimbursement rates and sometimes the reimbursement rates aren't the same across the board. Mr. Speaker, even in the Filipino Community, because I think also has to do with the difference between a case worker and their job, and what a direct caregiver would get in doing their job.

"There's been disagreement within the Department of Human Services, as well as out there in just the general public and the private sector doing case management. There's been disagreement as to how much that service is worth. And what had happened I believe is, I can't remember which one, Ohana Care and Evercare, or one of them or both, was going to cut the reimbursement for case management services. What happened was it ended up being a pretty substantial cut.

"But across the board, when you look and you compare ..."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, I'm almost done. But regarding this reimbursement, I wanted to make sure that we were doing something fair, the State of Hawaii, DHS was doing something fair, or Evercare or Ohana were doing something fair. So I started calling people in the industry. Caregivers and just asking them, 'What you think about this issue?' There's a huge cut. I think it's from $500 per patient, down to $300 or $250, so it's like half the amount. One of the things that I've learned is that some of these case managers, if they get paid through Medicaid they're getting paid the $500 before. But if you go in the private sector, they're accepting payments that are around $250 and $300 from other than Medicaid patients.

"So Mr. Speaker, what does that say? Does that say that the private industry case workers that accept private-pay clients accept this smaller amount for private-pay, but yet when it comes to Medicaid they're receiving $500 or whatever the amount is.

"So these things, and it's hard for me to actually talk about this because this industry is a huge industry within the Filipino Community. And within the Filipino Community there's differences. There's disagreement between the caregivers, as well as the case workers or the case mangers on these payments. The caregivers feel, and it's been a point of contention, that the caregivers feel that much of what they get paid for, they don't get paid very well by Medicaid to provide services to these clients. And that's 24 hours, 7 days a week all throughout the whole year.

"So when we take a look at this I understand that it threatens our existing system, but let's ask a little bit deeper question on how we can address some of the things that maybe need to be changed. And that's why I'm voting no. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I told the Minority Leader that I would speak after her. Beauty first that's why. Mr. Speaker, I'm standing up in support. Mr. Speaker, I know there's some discussion and I appreciate my colleagues both with their support and with reservations, but I wanted to make some clarifying points.

"First of all, what this bill does, Mr. Speaker, this bill clarifies and makes certain that the bid for health and human services contracts shall include the total amount that the bidder expects to expend. Mr. Speaker, if you have the bill before you on page 3, all it asks is that no contract proposal shall be accepted, one, if the business is licensed, as well as in section (b) shall include all costs, fees, and taxes, and any awarded contract shall be for the amount of the proposal.

"So Mr. Speaker, I heard the use of the terminology on this Floor, that we want transparency. We want to know. We want to know what's going on both now and for the future. We want to be accountable. Well Mr. Speaker, this bill is the essence of that.

"Mr. Speaker, one of the things that I guess has been alluded to or hinted at is that this is going to negatively impact the current contract. The current contract is in place until June 30, 2011.

"Also Mr. Speaker, as expressed earlier, this is for a request for proposal. Part of the proposal process and DHS's awarding of the process is to look at what are these services that they're going to be given to the QUEST individuals by the requested proposal.

"So Mr. Speaker, when we're talking about efficiency and inefficiency, we're talking about fairness. It's not to say that a non-profit is automatically better than a for-profit. If two companies regarding either profit or for-profit go for a proposal, their whole bid should be looked at equally and fairly. What this process does is, again, makes the process, the proposals, the numbers that are submitted to the Department for their evaluation, full and complete, Mr. Speaker.

"Another question in the discussions was about if this will preclude all for-profits, and run them out of the State. Mr. Speaker, we've talked on this Floor about the issues of the importance for-profit companies play in both healthcare, as well as in the State. Mr. Speaker, if they are getting a rebate or a federal tax waiver of any type, it should be precluded, and should be open government in which they put that in the bid process. That should be evaluated fairly and openly and transparently, so that those that provide the contract, the procurement officers have a fair and equal opportunity to compare both non-profits and for-profits side by side. Apples comparing apples, Mr. Speaker. And the essence behind this bill was an issue of transparency. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to read what this bill says because I would agree with the proposal that the Health Chair just said. But in this particular bill under proposals and awards, it says, 'proposals submitted under this chapter shall include all costs, fees, and taxes, and any award or contract shall be for the amount of the proposal. No award or contract shall include any other payment, rebate, or direct or indirect consideration that is not included in the proposal, such as the insurance premium or general excise tax rebates to or waivers for the applicant or bidder.'

"Mr. Speaker, I think that can be interpreted that you cannot have this in the bid. So if that is so, then they can't bid with this waiver, or rebate, or whatever that's coming from the federal government that brings in this, however many millions of dollars into our State. Thank you."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1642, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES," passed Final Reading by a vote of 37 ayes to 10 noes, with Representatives Chang, Ching, Finnegan, Karamatsu, Marumoto, Nakashima, Pine, Sagum, Thielen and Ward voting no, and with Representatives Aquino, Hanohano, Har, and M. Oshiro being excused.

At 1:24 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1642, HD 1, SD 2, CD 1

STANDING COMMITTEE REPORTS

At this time, the Chair stated:

"Members of the House, if you would turn to the reports of Standing Committees, let's start off with the House Standing Committee Reports Numbers 1246-10 to 1271-10, pages 2 to 7, we would like to defer one legislative day for the Members of the House to review these resolutions."

Stand. Com. Rep. No. 1246-10 and H.R. No. 226, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1247-10 and H.C.R. No. 311, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1248-10 and H.C.R. No. 165:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1249-10 and H.C.R. No. 319:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1250-10 and H.C.R. No. 21:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1251-10 and H.C.R. No. 22:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1252-10 and H.C.R. No. 23:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1253-10 and H.C.R. No. 24:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1254-10 and H.C.R. No. 25:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1255-10 and H.C.R. No. 26:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1256-10 and H.C.R. No. 27:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1257-10 and H.C.R. No. 28:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1258-10 and H.C.R. No. 29:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1259-10 and H.C.R. No. 30:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1260-10 and H.C.R. No. 31:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1261-10 and H.C.R. No. 32:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1262-10 and H.C.R. No. 33:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1263-10 and H.C.R. No. 34:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1264-10 and H.C.R. No. 36:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1265-10 and H.C.R. No. 44:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1266-10 and H.C.R. No. 45:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1267-10 and H.C.R. No. 46:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1268-10 and H.C.R. No. 47:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1269-10 and H.C.R. No. 292, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1270-10 and H.C.R. No. 316, HD 1:

By unanimous consent, action was deferred one legislative day.

Stand. Com. Rep. No. 1271-10 and H.C.R. No. 320:

By unanimous consent, action was deferred one legislative day.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans:

H.B. No. 2027, HD 1, (SD 1)
H.B. No. 2028, (SD 1)
H.B. No. 2136, (SD 1)

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Bills. (Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen were excused.)

H.B. No. 2027, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2027, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," passed Final Reading by a vote of 46 ayes, with Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen being excused.

H.B. No. 2028, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2028, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," passed Final Reading by a vote of 46 ayes, with Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen being excused.

H.B. No. 2136, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2136, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed Final Reading by a vote of 46 ayes, with Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen being excused.

At 1:26 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2027, HD 1, SD 1
H.B. No. 2028, SD 1
H.B. No. 2136, SD 1

At 1:27 o'clock p.m. Representative Tokioka requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:27 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 1853, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen were excused.)

ANNOUNCEMENTS

Representative Berg: "Mr. Speaker, in anticipation of tomorrow's Art Fest, I'd like to invite all of our colleagues to the Rotunda tomorrow morning from 10:00 to about 11:15, where there'll be lot of examples of the role that arts can play, not only in society, but also in raising our spirits. There'll be students dancing and singing and performing and on the Third Floor lanai there'll be a lot of exhibits as well. So I remind our colleagues to visit the Third Floor and the Rotunda. Thank you."

Representative Karamatsu, for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure today, April 8, 2010, at 2:00 p.m. in Conference Room 325, and the Chair "so ordered."

S.B. No. 2121, Relating to Early Learning Council

ADJOURNMENT

At 1:30 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, April 9, 2010.

(Representatives Aquino, Hanohano, Har, M. Oshiro and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bills:

H.B. No. 2003, HD 3, SD 2
H.B. No. 2200, HD 1, SD 2
H.B. No. 2306, HD 2, SD 3
H.B. No. 2450, HD 1, SD 2
H.B. No. 2542, HD 1, SD 2
H.B. No. 2690, SD 2

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 1907, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee
H.B. No. 1985, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward
H.B. No. 2421, HD 2, SD 2	Morita/Tsuji/M. Oshiro, Co-Chrs.; Coffman, Wooley, Thielen
H.B. No. 2542, HD 1, SD 2	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward
H.B. No. 2594, HD 2, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward
H.B. No. 2595, HD 1, SD 2	M. Oshiro, Chr.; Chong, Choy, M. Lee, Finnegan
H.B. No. 2866, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee
H.B. No. 2962, HD 1, SD 2	M. Oshiro, Chr.; Chong, Choy, M. Lee, Finnegan
H.B. No. 2984, HD 2, SD 2	M. Oshiro, Chr.; Chong, Choy, M. Lee, McKelvey, Ward

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2159, HD 1	Karamatsu/M. Oshiro, Co-Chrs.; Ito, Ward

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1230, SD 2, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto
S.B. No. 2001, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward
S.B. No. 2401, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto
S.B. No. 2405, SD 2, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee
S.B. No. 2695, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2650, SD2, HD 2	Mizuno/Yamane/Brower, Co-Chrs.; Ward

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 23, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 1853, SD 1

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bill has this day passed Final Reading in the House:

H.B. No. 1642, HD 1, SD 2, CD 1

House Communication dated April 8, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day, agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 2027, HD 1, SD 1
H.B. No. 2028, SD 1
H.B. No. 2136, SD 1

FORTY-SIXTH DAY

Friday, April 9, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with the Speaker presiding.

Representative Berg introduced Mr. Matthew Prellberg, her Committee Clerk, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Belatti, Hanohano and Sagum, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 223) was received and announced by the Clerk:

Gov. Msg. No. 223, informing the House that on April 8, 2010, the following bill was signed into law:

H.B. No. 2427, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT." (ACT 012)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 503 through 535) were received and announced by the Clerk:

Sen. Com. No. 503, transmitting S.C.R. No. 50, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 504, transmitting S.C.R. No. 51, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 505, transmitting S.C.R. No. 52, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 506, transmitting S.C.R. No. 54, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 507, transmitting S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 508, transmitting S.C.R. No. 56, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 509, transmitting S.C.R. No. 57, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 510, transmitting S.C.R. No. 58, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 511, transmitting S.C.R. No. 59, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 512, transmitting S.C.R. No. 155, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO REVIEW THE GUARDIANSHIP PROCESS WITH RESPECT TO THE ISSUE OF PATIENTS IN HOSPITALS WHO ARE WAITLISTED FOR POST-ACUTE CARE," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 513, transmitting S.C.R. No. 180, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT OF THE WIRELESS ENHANCED 911 FUND," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 514, transmitting S.C.R. No. 183, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 515, transmitting S.C.R. No. 190, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO RESUME ITS MEETINGS AND TO MEET AT LEAST QUARTERLY," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 516, transmitting S.C.R. No. 192, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 517, transmitting S.C.R. No. 193, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNER OF THE HONOLULU STAR-BULLETIN TO PROVIDE SUFFICIENT TIME TO FIND A NEW OWNER FOR THE NEWSPAPER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 518, transmitting S.C.R. No. 239, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTS THE OFFICE OF THE AUDITOR TO REVIEW AND COMPARE THE HEALTH CARE BENEFITS AVAILABLE UNDER THE MEDICAID PROGRAM AND THE PREPAID HEALTH CARE ACT," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 519, transmitting S.C.R. No. 53, SD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 520, transmitting S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 521, transmitting S.C.R. No. 70, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE SALE

OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 522, transmitting S.C.R. No. 71, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 523, transmitting S.C.R. No. 73, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF GENERAL AVIATION LOTS AT THE KONA INTERNATIONAL AIRPORT AT KEAHOLE, ISLAND OF HAWAII," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 524, transmitting S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 525, transmitting S.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH LONG-RANGE MASTER PLANS FOR EACH SCHOOL THAT DETERMINE A CONSISTENT APPROACH TO ADDRESSING LONG-STANDING FACILITIES MAINTENANCE, MANAGEMENT, AND CAPITAL IMPROVEMENT ISSUES," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 526, transmitting S.C.R. No. 191, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 527, transmitting S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 528, transmitting S.C.R. No. 227, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING, FOR REVIEW BY THE LEGISLATURE, AN ACCOUNTING AND REPORT CONCERNING ITEMS OF VALUE, INCLUDING VIEWING TIME ON MAUNA KEA TELESCOPES, PROVIDED TO THE UNIVERSITY OF HAWAII FOR THE LEASE OR USE OF FACILITIES ON PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA," which was adopted by the Senate on April 8, 2010.

Sen. Com. No. 529, dated April 8, 2010, informing the House that the following bill has this day passed Final Reading:

H.B. No. 1642, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES."

Sen. Com. No. 530, dated April 8, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1230, SD 2, HD 1	Baker, Chair; Ige/Kim, Co-Chairs; Kokubun, Tsutsui
S.B. No. 2001, SD 1, HD 1	Kim, Chair; Fukunaga, Co-Chair; Kidani, Kokubun, Hemmings
S.B. No. 2401, SD 1, HD 1	Kim, Chair; Fukunaga, Co-Chair; Kidani, Kokubun, Hemmings
S.B. No. 2402, SD 1, HD 1	Kim, Chair; Fukunaga, Co-Chair; Kidani, Kokubun, Tsutsui, Hemmings
S.B. No. 2405, SD 2, HD 1	Fukunaga, Chair; Kim, Co-Chair; Baker, Kokubun, Tsutsui

Sen. Com. No. 531, dated April 8, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2421, HD 2, SD 2	Hee, Chair; Gabbard/Fukunaga/Kim, Co-Chairs; Kokubun
H.B. No. 2542, HD 1, SD 2	Kim, Chair; Kidani, Kokubun
H.B. No. 2595, HD 1, SD 2	Taniguchi, Chair; Kim, Co-Chair; Slom
H.B. No. 2690, SD 2	Kim, Chair; Fukunaga, Co-Chair; Kidani, Kokubun
H.B. No. 2962, HD 1, SD 2	Fukunaga, Chair; Kim, Co-Chair; Ige, Kidani, Kokubun
H.B. No. 2984, HD 2, SD 2	Fukunaga, Chair; Kim, Co-Chair; Ige, Kidani, Kokubun, Slom

Sen. Com. No. 532, dated April 8, 2010, informing the House that the Senate has on April 6, 2010, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 2137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS."

S.B. No. 2201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

S.B. No. 2325, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS."

S.B. No. 2394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN."

S.B. No. 2440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY."

S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."

Sen. Com. No. 533, dated April 8, 2010, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 107, HD 2
S.B. No. 358, SD 1, HD 2
S.B. No. 506, SD 1, HD 3
S.B. No. 910, SD 1, HD 2
S.B. No. 930, HD 2
S.B. No. 950, SD 2, HD 3
S.B. No. 1105, SD 2, HD 1
S.B. No. 2019, SD 1, HD 2
S.B. No. 2020, HD 2
S.B. No. 2045, SD 1, HD 1

S.B. No. 2054, SD 2, HD 1
S.B. No. 2105, SD 2, HD 1
S.B. No. 2115, SD 1, HD 2
S.B. No. 2124, SD 2, HD 1
S.B. No. 2144, SD 2, HD 2
S.B. No. 2150, HD 1
S.B. No. 2154, SD 1, HD 1
S.B. No. 2172, SD 2, HD 1
S.B. No. 2174, HD 1
S.B. No. 2175, SD 1, HD 2
S.B. No. 2187, SD 1, HD 2
S.B. No. 2323, HD 2
S.B. No. 2324, SD 2, HD 2
S.B. No. 2371, SD 2, HD 1
S.B. No. 2395, SD 2, HD 1
S.B. No. 2399, SD 1, HD 1
S.B. No. 2454, SD 2, HD 1
S.B. No. 2461, SD 2, HD 2
S.B. No. 2469, SD 2, HD 2
S.B. No. 2472, SD 2, HD 1
S.B. No. 2473, SD 1, HD 2
S.B. No. 2491, SD 2, HD 1
S.B. No. 2493, SD 2, HD 1
S.B. No. 2494, SD 2, HD 2
S.B. No. 2502, SD 1, HD 1
S.B. No. 2532, HD 1
S.B. No. 2533, SD 1, HD 1
S.B. No. 2534, SD 2, HD 1
S.B. No. 2548, SD 2, HD 1
S.B. No. 2565, SD 1, HD 1
S.B. No. 2566, HD 2
S.B. No. 2570, SD 1, HD 2
S.B. No. 2571, SD 2, HD 2
S.B. No. 2599, SD 2, HD 2
S.B. No. 2600, SD 2, HD 2
S.B. No. 2601, SD 1, HD 2
S.B. No. 2603, SD 2, HD 2
S.B. No. 2610, HD 1
S.B. No. 2643, SD 1, HD 1
S.B. No. 2646, SD 1, HD 2
S.B. No. 2650, SD 2, HD 2
S.B. No. 2661, SD 2, HD 2
S.B. No. 2685, SD 1, HD 1
S.B. No. 2691, SD 1, HD 1
S.B. No. 2702, SD 2, HD 1
S.B. No. 2716, SD 2, HD 2
S.B. No. 2726, SD 2, HD 2
S.B. No. 2729, SD 2, HD 1
S.B. No. 2775, SD 1, HD 2
S.B. No. 2806, SD 2, HD 1
S.B. No. 2807, SD 2, HD 2
S.B. No. 2809, SD 2, HD 1
S.B. No. 2811, SD 2, HD 2
S.B. No. 2831, SD 1, HD 1
S.B. No. 2842, SD 2, HD 1
S.B. No. 2849, SD 2, HD 1
S.B. No. 2883, SD 1, HD 2
S.B. No. 2885, SD 2, HD 1
S.B. No. 2884, SD 2, HD 2
S.B. No. 2897, SD 2, HD 3
S.B. No. 2919, SD 1, HD 1
S.B. No. 2937, SD 1, HD 1
S.B. No. 2942, SD 2, HD 2

Sen. Com. No. 534, dated April 8, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 107, HD 2 — Taniguchi, Chair; Takamine, Slom

S.B. No. 358, SD 1, HD 2 — Espero, Chair; Taniguchi, Co-Chair; Slom

S.B. No. 506, SD 1, HD 3 — Taniguchi, Chair; Takamine, Slom

S.B. No. 910, SD 1, HD 2 — Chun Oakland, Chair; Sakamoto/Tsutsui, Co-Chairs; Hemmings

S.B. No. 930, HD 2 — Ige, Chair; Taniguchi, Co-Chair; Green, Slom

S.B. No. 950, SD 2, HD 3 — Espero, Chair; Hee/Taniguchi, Co-Chairs; Hemmings

S.B. No. 1105, SD 2, HD 1 — Taniguchi, Chair; Kim, Co-Chair; Slom

S.B. No. 2019, SD 1, HD 2 — Fukunaga, Chair; Hee, Co-Chair; Slom

S.B. No. 2020, HD 2 — Baker, Chair; Taniguchi, Co-Chair; Slom

S.B. No. 2045, SD 1, HD 1 — Taniguchi, Chair; Takamine, Hemmings

S.B. No. 2054, SD 2, HD 1 — Espero, Chair; Kim, Co-Chair; Hemmings

S.B. No. 2105, SD 2, HD 1 — Ige, Chair; English/Tsutsui, Co-Chairs; Espero, Slom

S.B. No. 2115, SD 1, HD 2 — Sakamoto, Chair; Tokuda/Kim, Co-Chairs; Galuteria, Slom

S.B. No. 2124, SD 2, HD 1 — Sakamoto, Chair; Baker/Kim, Co-Chairs; Kokubun, Tsutsui

S.B. No. 2144, SD 2, HD 2 — Fukunaga, Chair; Kim, Co-Chair; Ige, Tsutsui, Hemmings

S.B. No. 2150, HD 1 — Taniguchi, Chair; Takamine, Slom

S.B. No. 2154, SD 1, HD 1 — Taniguchi, Chair; Nishihara, Slom

S.B. No. 2174, HD 1 — English, Chair; Takamine, Co-Chair; Hemmings

S.B. No. 2175, SD 1, HD 2 — English, Chair; Takamine, Co-Chair; Nishihara

S.B. No. 2187, SD 1, HD 2 — Nishihara, Chair; Taniguchi, Co-Chair; Galuteria, Tsutsui, Hemmings

S.B. No. 2323, HD 2 — Takamine, Chair; Taniguchi, Slom

S.B. No. 2324, SD 2, HD 2 — Takamine, Chair; Kim, Co-Chair; Taniguchi

S.B. No. 2371, SD 2, HD 1 — Ige, Chair; Baker, Co-Chair; Espero, Hemmings

S.B. No. 2395, SD 2, HD 1 — Kim, Chair; Taniguchi/Sakamoto, Co-Chairs; Takamine, Hemmings

S.B. No. 2399, SD 1, HD 1 — Baker, Chair; Ige, Hemmings

S.B. No. 2454, SD 2, HD 1	Taniguchi, Chair; Tsutsui, Co-Chair
S.B. No. 2461, SD 2, HD 2	English, Chair; Tsutsui, Co-Chair; Nishihara
S.B. No. 2469, SD 2, HD 2	Chun Oakland, Chair; Ige/Taniguchi/Kim, Co-Chairs; Ihara
S.B. No. 2472, SD 2, HD 1	Baker, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2473, SD 1, HD 2	Chun Oakland, Chair; Sakamoto, Co-Chair; Galuteria, Hemmings
S.B. No. 2491, SD 2, HD 1	Ige, Chair; Baker, Co-Chair; Espero, Hemmings
S.B. No. 2493, SD 2, HD 1	Ige, Chair; Tokuda/Kim, Co-Chairs; Baker, Hemmings
S.B. No. 2494, SD 2, HD 2	Ige, Chair; Baker, Co-Chair; Espero, Takamine, Hemmings
S.B. No. 2502, SD 1, HD 1	Espero, Chair; Tsutsui, Co-Chair; Slom
S.B. No. 2532, HD 1	Hee, Chair; Bunda, Kokubun, Hemmings
S.B. No. 2533, SD 1, HD 1	Espero, Chair; Tsutsui, Co-Chair; Bunda
S.B. No. 2534, SD 2, HD 1	Espero, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2548, SD 2, HD 1	Fukunaga, Chair; Kim, Co-Chair; Ige
S.B. No. 2565, SD 1, HD 1	Taniguchi, Chair; Takamine, Slom
S.B. No. 2566, HD 2	Takamine, Chair; Ige, Co-Chair; Slom
S.B. No. 2570, SD 1, HD 2	Sakamoto, Chair; Taniguchi, Co-Chair; Galuteria, Nishihara, Slom
S.B. No. 2571, SD 2, HD 2	Sakamoto, Chair; Taniguchi, Co-Chair; Galuteria, Nishihara, Slom
S.B. No. 2599, SD 2, HD 2	Baker, Chair; Ige/Tsutsui, Co-Chairs; Green, Hemmings
S.B. No. 2600, SD 2, HD 2	Ige, Chair; Baker/Kim, Co-Chairs
S.B. No. 2601, SD 1, HD 2	Baker, Chair; Ige, Hemmings
S.B. No. 2603, SD 2, HD 2	Baker, Chair; Tsutsui, Co-Chair; Hemmings
S.B. No. 2610, HD 1	Hee, Chair; English/Kim, Co-Chairs
S.B. No. 2643, SD 1, HD 1	Baker, Chair; Nishihara/Kim, Co-Chairs; Hemmings
S.B. No. 2646, SD 1, HD 2	Fukunaga, Chair; Hee, Co-Chair; Hemmings
S.B. No. 2650, SD 2, HD 2	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Hemmings
S.B. No. 2661, SD 2, HD 2	Taniguchi, Chair; Tsutsui, Co-Chair; Slom
S.B. No. 2685, SD 1, HD 1	Taniguchi, Chair; Tsutsui, Co-Chair; Slom
S.B. No. 2691, SD 1, HD 1	Takamine, Chair; Kim, Co-Chair; Taniguchi, Slom
S.B. No. 2702, SD 2, HD 1	Espero, Chair; Kim, Co-Chair; Hemmings
S.B. No. 2716, SD 2, HD 2	Chun Oakland, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2726, SD 2, HD 2	Ige, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2729, SD 2, HD 1	Ige, Chair; Tsutsui, Co-Chair; Baker, Hemmings
S.B. No. 2775, SD 1, HD 2	Fukunaga, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2806, SD 2, HD 1	Chun Oakland, Chair; Ige/Tsutsui, Co-Chairs
S.B. No. 2807, SD 2, HD 2	Kim, Chair; Taniguchi, Co-Chair; Takamine, Tsutsui, Hemmings
S.B. No. 2809, SD 2, HD 1	Baker, Chair; Kim, Co-Chair; Hemmings
S.B. No. 2811, SD 2, HD 2	Ige, Chair; Baker, Co-Chair; Espero, Hemmings
S.B. No. 2831, SD 1, HD 1	Taniguchi, Chair; Takamine, Slom
S.B. No. 2842, SD 2, HD 1	Baker, Chair; Tsutsui, Co-Chair; Espero, Ige, Hemmings
S.B. No. 2849, SD 2, HD 1	Takamine, Chair; Taniguchi/Kim, Co-Chairs
S.B. No. 2883, SD 1, HD 2	Takamine, Chair; Taniguchi, Co-Chair; Nishihara
S.B. No. 2884, SD 2, HD 2	Takamine, Chair; Kim, Co-Chair; Taniguchi
S.B. No. 2885, SD 2, HD 1	Ige, Chair; Takamine/Tsutsui, Co-Chairs; Green, Slom
S.B. No. 2897, SD 2, HD 3	English, Chair; Taniguchi, Co-Chair; Slom
S.B. No. 2919, SD 1, HD 1	Ige, Chair; Espero/Tsutsui, Co-Chairs; Tokuda, Hemmings
S.B. No. 2937, SD 1, HD 1	Taniguchi, Chair; Nishihara, Hemmings
S.B. No. 2942, SD 2, HD 2	Hee, Chair; Kim/English, Co-Chairs

Sen. Com. No. 535, dated April 8, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 134, HD 2, SD 2	English, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 415, HD 2, SD 2	Espero, Chair; Kim, Co-Chair; Kidani
H.B. No. 674, HD 1, SD 1	Hee, Chair; Kim, Co-Chair; Hemmings
H.B. No. 865, HD 1, SD 1	Kim, Chair; English, Co-Chair; Tsutsui, Hemmings
H.B. No. 921, HD 1, SD 2	Hee, Chair; Taniguchi/Kim, Co-Chairs; Hemmings
H.B. No. 979, HD 1, SD 1	Hee, Chair; Gabbard/Tsutsui, Co-Chairs
H.B. No. 1190, HD 1, SD 2	English, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 1439, HD 1, SD 1	Baker, Chair; Ige, Hemmings
H.B. No. 1554, SD 1	Hee, Chair; English/Sakamoto, Co-Chairs; Fukunaga, Slom
H.B. No. 1684, HD 2, SD 2	Hee, Chair; Taniguchi, Co-Chair; Bunda, Slom
H.B. No. 1808, HD 3, SD 1	Hee, Chair; English/Taniguchi, Co-Chairs; Slom
H.B. No. 1818, HD 2, SD 2	Espero, Chair; Hee/Tsutsui, Co-Chairs; Hemmings
H.B. No. 1854, SD 2	Sakamoto, Chair; Tsutsui, Co-Chair; Galuteria, Kidani, Hemmings
H.B. No. 1901, HD 2, SD 2	Taniguchi, Chair; Kim, Co-Chair; Hemmings
H.B. No. 1948, HD 1, SD 1	Kim, Chair; Kokubun, Tsutsui
H.B. No. 1978, HD 2, SD 2	English, Chair; Baker, Co-Chair; Slom
H.B. No. 1985, SD 1	Kim, Chair; Kokubun
H.B. No. 1987, HD 2, SD 2	Espero, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 1992, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 2000, HD 2, SD 2	Taniguchi, Chair; Kim, Co-Chair; Slom
H.B. No. 2016, SD 1	English, Chair; Espero, Slom
H.B. No. 2020, HD 2, SD 2	English, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2056, HD 1, SD 1	Ige, Chair; Tokuda/Baker, Co-Chairs; Slom
H.B. No. 2058, HD 1, SD 1	Fukunaga, Chair; Baker, Slom
H.B. No. 2061, HD 1, SD 2	Espero, Chair; Chun Oakland/Taniguchi, Co-Chairs
H.B. No. 2083, HD 1, SD 2	Hee, Chair; Baker, Co-Chair; Bunda
H.B. No. 2085, HD 1, SD 2	Chun Oakland, Chair; Ige/Taniguchi, Co-Chairs
H.B. No. 2087, HD 1, SD 2	Chun Oakland, Chair; Baker/Kim, Co-Chairs; Tsutsui
H.B. No. 2129, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 2132, HD 1, SD 2	Baker, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2133, HD 1, SD 1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Takamine
H.B. No. 2157, HD 1, SD 1	Ige, Chair; Chun Oakland, Co-Chair; Espero, Hemmings
H.B. No. 2239, SD 2	Gabbard, Chair; Kim, Co-Chair; Hemmings
H.B. No. 2266, HD 1, SD 1	Espero, Chair; Tsutsui, Co-Chair; Galuteria
H.B. No. 2267, HD 1, SD 1	Kim, Chair; Sakamoto, Co-Chair; Kidani, Hemmings
H.B. No. 2283, HD 2, SD 1	Taniguchi, Chair; Nishihara, Takamine
H.B. No. 2288, HD 1, SD 2	Baker, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2290, HD 2, SD 1	Hee, Chair; Kim/Baker, Co-Chairs; Kokubun, Hemmings
H.B. No. 2294, HD 2, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2297, HD 2, SD 2	English, Chair; Baker, Co-Chair; Slom
H.B. No. 2318, HD 2, SD 1	Sakamoto, Chair; Chun Oakland/Fukunaga/Tsutsui, Co-Chairs; Hemmings
H.B. No. 2376, HD 3, SD 2	Sakamoto, Chair; Taniguchi, Co-Chair; Galuteria, Nishihara, Hemmings
H.B. No. 2377, HD 3, SD 2	Sakamoto, Chair; Kim, Co-Chair; Galuteria
H.B. No. 2381, HD 2, SD 2	Sakamoto, Chair; Kim, Co-Chair; Chun Oakland, Galuteria, Hemmings
H.B. No. 2383, HD 1, SD 2	Espero, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2409, HD 2, SD 1	Hee, Chair; Tsutsui, Co-Chair; Hemmings

H.B. No. 2441, HD 2, SD 2	English, Chair; Hee/Taniguchi, Co-Chairs
H.B. No. 2486, HD 2, SD 2	Sakamoto, Chair; Takamine/Tsutsui, Co-Chairs; Chun Oakland, Slom
H.B. No. 2497, SD 1	Gabbard, Chair; Tsutsui, Co-Chair; Green
H.B. No. 2503, HD 1, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2505, HD 1, SD 1	Fukunaga, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2533, HD 1, SD 2	Takamine, Chair; Kim, Co-Chair; Slom
H.B. No. 2561, SD 1	Hee, Chair; Taniguchi/Kim, Co-Chairs; Slom
H.B. No. 2568, SD 1	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Galuteria, Hemmings
H.B. No. 2582, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2583, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2594, HD 2, SD 1	Kim, Chair; Kokubun, Hemmings
H.B. No. 2598, HD 1, SD 2	Nishihara, Chair; Gabbard/Kim, Co-Chairs; Hemmings
H.B. No. 2604, HD 2, SD 2	English, Chair; Tsutsui, Co-Chair; Slom
H.B. No. 2631, HD 2, SD 2	Baker, Chair; Gabbard/Taniguchi/Tsutsui, Co-Chairs; Hemmings
H.B. No. 2643, HD 2, SD 2	Gabbard, Chair; Tsutsui, Co-Chair; English, Hooser, Hemmings
H.B. No. 2644, HD 2, SD 2	Gabbard, Chair; English/Tsutsui, Co-Chairs
H.B. No. 2670, HD 1, SD 1	Tokuda, Chair; Tsutsui, Co-Chair; Slom
H.B. No. 2676, HD 1, SD 1	Taniguchi, Chair; Takamine, Nishihara
H.B. No. 2692, HD 1, SD 1	Espero, Chair; Tsutsui, Co-Chair; Gabbard
H.B. No. 2698, HD 2, SD 2	Fukunaga, Chair; Kim, Co-Chair; Ige, Slom
H.B. No. 2708, HD 1, SD 1	English, Chair; Gabbard, Slom
H.B. No. 2721, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 2724, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 2725, HD 1, SD 1	Taniguchi, Chair; Takamine, Slom
H.B. No. 2741, HD 1, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2775, HD 2, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2783, HD 2, SD 2	Baker, Chair; Nishihara/Kim, Co-Chairs; Slom
H.B. No. 2831, HD 2, SD 2	Fukunaga, Chair; Tsutsui, Co-Chair; Slom
H.B. No. 2832, HD 1, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings
H.B. No. 2866, HD 1, SD 1	Kim, Chair; Kokubun, Hemmings
H.B. No. 2897, HD 1, SD 1	Takamine, Chair; Baker/Taniguchi, Co-Chairs; Hemmings
H.B. No. 2919, HD 1, SD 2	Takamine, Chair; Tsutsui, Co-Chair; Slom
H.B. No. 2923, HD 2, SD 2	Hee, Chair; Tsutsui, Co-Chair; Hemmings

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Awana introduced Mr. Dayton Nakanelua and members of the United Public Workers Union.

Representative Karamatsu introduced members of the groups FOCUSED and Good Beginnings Alliance, and former Representative Alex Santiago.

Representative Ching introduced 5th grade students from Lanakila Elementary School. They were accompanied by teachers, Mrs. Leina'ala Hall and Ms. Rachel Nieto; educational assistants, Ms. Desiree Kalaukoa, Ms. Shawnelle Kema and Ms. Rose Decherong; and her legislative aide, Ms. Elise Anderson.

Representative Mizuno introduced members of the American Massage Therapy Association of Hawaii: Ms. Pualani Gillespie, Chapter President; Ms. Mahana Byington, Board member and Past President; Mr. Raymond Herradura, Board member; and Mr. Dustin Ebesu, President of the Massage Therapy Association of Hawaii.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	Referred to:
37, SD1	Committee on Judiciary
75, SD1	Committee on Tourism, Culture, & International Affairs
124, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

202, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
228, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B. No.	Re-referred to:
2461, HD2, SD2	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce and the Committee on Finance

STANDING COMMITTEE REPORTS

At this time, the Chair stated:

"Members, at this time the Chair will be taking two resolutions out of order. So if you would turn to page 13, Stand. Com. Rep. Nos. 1293-10 and 1294-10. This will be part of the Reports of Standing Committees."

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1293-10) recommending that H.R. No. 53, be adopted; and

(Stand. Com. Rep. No. 1294-10) recommending that H.C.R. No. 101, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 53; and H.C.R. No. 101, be adopted, seconded by Representative Evans.

Representative Bertram rose to speak in support of both measures, stating:

"I'm standing in strong support of both these resolutions. It's a wonderful thing that we start to recognize the island that was the first island to have a train, and we re-establish our rail service again. I really appreciate this opportunity to have that happen."

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you very much, Mr. Speaker. In strong support. I'd like to adopt the words of the previous speaker as if they were my own. I'd just like to say that if there's one resolution we adopt this year, this is it."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was adopted, with Representatives Belatti, Hanohano and Sagum being excused.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION, TO CONDUCT A FEASIBILITY STUDY TO DETERMINE THE COST AND OTHER FACTORS RELATING TO THE CONSTRUCTION OF A FIXED-RAIL TRANSPORTATION SYSTEM CONNECTING THE KAHULUI-WAILUKU AREA, KIHEI, AND LAHAINA ON THE ISLAND OF MAUI," was adopted, with Representatives Belatti, Hanohano and Sagum being excused.

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, on page 1, Unfinished Business. Members, please note that House Resolution No. 233, HD 1, and its companion House Concurrent Resolution No. 318, HD 1, have been re-referred solely to the Committee on Human Services per Committee Referral Sheet No. 62. The Committee on Judiciary waived its referral to these measures, and therefore it is appropriate for the House to consider action for adoption."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 233, HD 1; and H.C.R. No. 318, HD 1. (Representatives Belatti, Hanohano and Sagum were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 1004-10 and 1005-10, recommending referral to the Committee on Judiciary, seconded by Representative Evans.

At this time, the Chair addressed Representative Wooley, stating:

"Representative Wooley, what is the motion before this Body at this point in time? Please, educate the Members of the House."

Representative Wooley rose and stated:

"Thank you, Mr. Speaker. We are looking at HR No. 233 and HCR No. 318, for adoption."

Speaker Say: "For reconsideration, first. The motion to reconsider action taken."

Representative Wooley: "Re-referred solely to the Committee on Human Services. Thank you."

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 1004-10 and 1005-10, recommending referral to the Committee on Judiciary. (Representatives Belatti, Hanohano and Sagum were excused.)

UNFINISHED BUSINESS

Representative B. Oshiro moved that H.R. No. 233, HD 1; and H.C.R. No. 318, HD 1, be adopted, seconded by Representative Evans.

At this time, the Chair addressed Representative Choy, stating:

"Representative Choy, what is the motion before this Body?"

Representative Choy rose and stated:

"To adopt these resolutions."

Speaker Say: "Correct."

The motion was put to vote by the Chair and carried, and H.R. No. 233, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATORY POLICY FOR GAY, LESBIAN, BISEXUAL,

AND TRANSGENDERED PERSONS," was adopted, with Representatives Belatti, Hanohano and Sagum being excused; and

H.C.R. No. 318, HD 1, entitled "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES AND ALL AGENCIES WITH DEPARTMENT OF HUMAN SERVICES' CONTRACTS TO UPHOLD THEIR NONDISCRIMINATION POLICY FOR GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PERSONS," was adopted, with Representatives Belatti, Hanohano and Sagum being excused.

At this time, the Chair stated:

"At this time, Members, the Chair will be taking Standing Committee Report No. 1270-10 on page 7, out of order."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1270-10) recommending that H.C.R. No. 316, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 316, HD 1, be adopted, seconded by Representative Evans.

At this time, Representative B. Oshiro offered Floor Amendment No. 13, amending H.C.R. No. 316, HD 1, as follows:

"SECTION 1. House Concurrent Resolution No. 316, H.D. 1, APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII, is amended by amending the BE IT RESOLVED clause on page 2 to read as follows:

"BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, the Senate concurring, that UH is hereby authorized to sell the fee simple interest in non-ceded lands situated around the Kapolei campus, identified as Tax Map Key No. (1) 9-1-16-181, pursuant to the requirements of Act 176, SLH 2009; provided that this authorization shall not be effective until this House Concurrent Resolution is amended to reflect the information required by Act 176, SLH 2009, including:

(1) The appraisal value of the land to be sold;

(2) The names of all appraisers performing the appraisals of the land to be sold;

(3) The date of the appraisal valuation; and

(4) A detailed summary of any development plans for the land to be sold;

and""

Representative B. Oshiro moved that Floor Amendment No. 13 be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in support of the floor amendment. Very briefly, the purpose of this floor amendment is to ensure that there is a purposeful defect placed in the resolution, and to ensure that there is not an inadvertent adoption by the Senate of this resolution because we need to make sure that there is conformity with Act 176.

"At that time, hopefully before we adjourn Sine Die, the UH West Oahu will be able to provide the information that will be in compliance with Act 176. Thank you."

The motion that Floor Amendment No. 13, amending H.C.R. No. 316, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," be adopted, was put to vote by the Chair and carried. (Representatives Belatti, Hanohano and Sagum were excused.)

At 12:23 o'clock p.m. the Chair noted that Floor Amendment No. 13, was adopted.

At 12:23 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

Representative B. Oshiro moved that H.C.R. No. 316, HD 2, be adopted, seconded by Representative Evans.

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.C.R. No. 316, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF NON-CEDED LANDS HELD BY THE UNIVERSITY OF HAWAII IN KAPOLEI, HAWAII," was adopted, with Representatives Belatti, Hanohano and Sagum being excused.

Representative Tokioka, for the Committee on Legislative Management presented two reports:

(Stand. Com. Rep. No. 1246-10) recommending that H.R. No. 226, HD 1, be adopted; and

(Stand. Com. Rep. No. 1247-10) recommending that H.C.R. No. 311, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 226, HD 1; and H.C.R. No. 311, HD 1, be adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of both these resolutions. Thank you. I just wanted to note, in the hearing that we had prior to the last hearing, the Higher Ed Committee jointly with the Hawaiian Affairs Committee I believe, we had a discussion regarding a transaction that was made by Yale University. Supposedly one of the original founders fell out of the contract, and they had to find somebody else or some other organization to take up that slack. That slack actually represented about a $12 million transaction.

"What's interesting during the discussion is we learned that that transaction for some reason is outside of the requirements of our GET, so we as the State of Hawaii got nothing, no general excise tax taxes from this particular transaction.

"Now that was just one issue that came up. And the reason why it came up is because in lieu of paying for the rent on the summit, these telescopes provide viewing time for the University of Hawaii, and with the $12 million calculation it is estimated that each night of viewing time is worth about $80,000.

"I guess the purpose of these resos is to give the University an opportunity to get back to us so that we can better understand all of these different transactions going on in regards to these observatories and

whether or not we as a State of Hawaii are benefitting as much as possible with these deals. I hope that the University, when it takes a look at these two resos, really gets back to us in regards to these sub-transactions or additional transactions worth millions of dollars and helps us better understand why these transactions are outside of the scope of our general excise tax. Thank you, Mr. Speaker."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict. At my law firm I represent some plaintiffs that have sued the University of Hawaii and the Board of Land and Natural Resources over the use of Mauna Kea. Thank you," and the Chair ruled, "no conflict."

Representative Keith-Agaran rose to speak in support of the measure with reservations, stating:

"I have slight reservations on both of these measures, and I'd like to submit some written remarks."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support these resolutions which request the University of Hawaii to provide information regarding the value of viewing time from the telescopes on Mauna Kea to UH. My comments express some concerns about certain over-simplified statements in the body of the resolution regarding the nature of UH's ceded lands obligations.

"I do not agree, as apparently assumed on page 1, lines 10-13, that all uses of ceded lands must generate the equivalent of fair market lease rent. Very little of the ceded lands trust under management by the Board of Land and Natural Resources, for example, is suitable for commercial uses and for revenue purposes. Large tracts of Hawaii's heritage lands under management by the State are forest reserves and watershed lands. The highest and best use of those lands by the State for watershed protection – while incalculable in value – surely doesn't require fair market lease rent.

"These resolutions also seem to suggest that there is something insidious about UH receiving a lease from the State at nominal rent for the Mauna Kea lands. Rather, nominal leases from DLNR has been the traditional vehicle for designating public lands for UH use rather than Executive Orders (EO) setting aside lands for University use. The practice arose due to constitutional provisions that effectively make public lands set aside to the university the fee simple property of UH (see 1978 Constitution, Article 10, Section 5 provides: "[the University] shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of as provided by law.").

"The notion that all public lands should always generate fair market revenue is a narrow and ultimately counterproductive view of the most effective use of the scare resource which is the Public Lands Trust. Proponents of putting a commercial value on all public lands should be careful lest we end up with corporate control of some of Hawaii's significant resources. Support of the University's mission is necessary for our residents to have future opportunities and that includes the use of public lands for campuses and for related educational purposes.

"Nevertheless, given the public interest in whether continued or even expanded scientific use of Mauna Kea's summit provides enough tangible benefits in light of the cultural and religious concerns of Native Hawaiians, the information requested in these measures will help future legislatures in any policy making adjustments. I urge my colleagues to vote in favor of this measure."

Representative Shimabukuro rose in support of the measure and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 226, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO SUBMIT TO THE LEGISLATURE A REPORT OF OBSERVATION VIEWING TIME ON THE TELESCOPES ON MAUNA KEA," was adopted, with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 311, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO SUBMIT TO THE LEGISLATURE A REPORT OF OBSERVATION VIEWING TIME ON THE TELESCOPES ON MAUNA KEA," was adopted, with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1248-10) recommending that H.C.R. No. 165, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 165, be adopted, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EFFICIENCY AND EFFECTIVENESS OF THE CHILD WELFARE SERVICES PROGRAM IN PROCESSING AND INVESTIGATING COMPLAINTS OF CHILD ABUSE AND NEGLECT AND MISUSE OF CHILD SUPPORT," was adopted, with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1249-10) recommending that H.C.R. No. 319, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF ALL COMMUNITY-BASED PROGRAMS AND SERVICES RECEIVING MEDICAID FUNDING OR SUBSIDIZING INDIVIDUALS ELIGIBLE FOR MEDICAID," was adopted, with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1250-10) recommending that H.C.R. No. 21, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 21, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition and have just brief comments. My concern about all these houses, and I know that each one has a story and there's a sympathetic person that has a real compelling reason why they should have this affordable housing. But my concern is that there's only a 10-year buyback provision. From what I understand from realtors I've talked to, there are no shared appreciation equity requirements after the 10 years. So what that means is after 10 years this house will be lost to the open market forever.

"If you can just take a moment to imagine if we did the same thing in the DHHL. Native Hawaiians would see their entire land trust evaporate in 10 years. I think we all can say that that would be unfair to all of the thousands on the waiting list.

"Taking the example of DHHL, I'd want the people in this Body to think of your children and your grandchildren as being on the wait list for

affordable housing, and they'll be out of luck if we continue selling these parcels as we are contemplating in these resolutions.

"I've heard examples of these types of homes selling for $100,000 under HHFDC's affordable housing, and then after the 10 years, the price is $500,000. This is what can happen realistically. These homes can become mansions, they can become speculated on, and who knows what else. I just feel that it's very short sighted of us to sell this type of housing, so that's why I'm going to be going 'no' on many of these resolutions."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I request the words of the Representative from Waianae to be entered as my own. I'm in opposition. Thank you. I'm not sure how to do this exactly. but I'm standing in opposition for all the HCRs from 21 through number 46."

The Chair addressed Representative Berg, stating:

"Representative Berg, we'll have to take it up individually because this is a two-thirds vote for the Members of this Body."

Representative Berg continued in opposition, stating:

"The message is the same. I will speak on this one on behalf of all the other resolutions. For the reasons that have been discussed previously during our session about the sale of land from other Representatives' comments. The inconsistencies in the resolutions as they appear before us, even the correction we just had to make in the previous resolution.

"I think we need to be extremely deliberate, and diligent and judicious at this time. Perhaps the sale of this land, of these particular parcels, will expedite, adding more money into the budget, or will allow more freedom for certain departments, but in light of all of the departments suffering the way they are, I think we just need to be very cautious and I would urge my colleagues to also vote no on these measures. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I appreciate the prior two speakers concerns and can understand the issue of selling fee-simple after the 10 year affordable. However, with all due respect, I'm not sure this is the mechanism or the place. That is a policy call that belongs in statute in terms of what is going to be our policy in setting up affordable housing.

"These are resolutions based on a law we passed last year to allow a transaction to occur. You will see in the subsequent resolutions, this has been going on for awhile. This is not new. This is not selling large pieces of land, or something that they decided like yesterday. This has been ongoing and I ask the Members to support it."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Brief rebuttal to the speaker from Waianae-Makaha, as well as the speaker from Aina Haina. Just to be clear, the entire Villages of Kapolei fall under the jurisdiction of the HHFDC and to say that there is a 10 year buyback ..."

The Chair addressed Representative Har, stating:

"Representative Har, we're not addressing the resolution for Kapolei."

Representative Har continued in support, stating:

"I know. Please excuse me, Mr. Speaker. I'd like to just clarify, going back to the whole point about HHFDC. All these resos, including HCR 21, which is the current reso that we are on. The whole mission of HHFDC is to provide affordable housing. So to say that there is a 10 year buyback provision, that is absolutely correct. But what runs concurrently with that 10 year buyback provision is something called the 'shared appreciation equity lien program.'

"So in the case that was brought up by the Representative from Waianae-Makaha, she talked about a house being bought for $100,000 and it appreciates in value. So let's say that the 10 year buyback period is over and done with. The fact of the matter is that house has now appreciated in value, and as a result because of the SAE program, that particular buyer is not able to just go and sell that land haphazardly and take all of the equity that essentially the State subsidized. They actually have to now buy out the equity from the HHFDC before they can just go sell it.

"So to state that there's only this 10 year buyback provision, it needs to be made clear that what runs concurrently with the 10 year buyback is the SAE program. For most of these, actually in fact I double checked with HHFDC, all of these resolutions notwithstanding the 10 year buy back, if there was an appreciation in these properties, that is why HHFDC has now come in and foreclosed and now they're attempting to resell these lands to other families, local families who qualify for affordable housing. Accordingly, I stand in support. Thank you Mr. Speaker."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I just want to make a couple comments. It sounds like we're going to talk about a lot of the resolutions as a policy issue. So I just want to rise right now to let the Members know that I do support the statements by the Representatives from Waianae-Makaha and Aina Haina, and I think that they raised very important policy issues. That was one of the things that came out during the Finance Committee Hearing. So I think it was very important that we went through this process.

"However, at the same time I have heard from the Representative from Kapolei, and it sounds like a lot of these parcels have already been in the works for some time. I think because Act 176 is just starting this year, it would be very difficult for us to actually halt some of these sales that have been in the works for quite some time for the families. But I do think that we'll be looking at the policy for HHFDC, and I think we have started a very good discussion on this policy issue. Thank you."

Representative Ito rose in support of the measure and asked that the remarks of Representative Har be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPA'A, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1251-10) recommending that H.C.R. No. 22, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 22, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1252-10) recommending that H.C.R. No. 23, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 23, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1253-10) recommending that H.C.R. No. 24, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 24, be adopted, seconded by Representative Evans.

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1254-10) recommending that H.C.R. No. 25, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 25, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1255-10) recommending that H.C.R. No. 26, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 26, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1256-10) recommending that H.C.R. No. 27, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 27, be adopted, seconded by Representative Evans.

Representative Choy rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote on Stand. Com. Rep. No. 1256 and if I could just say a few words. All my objections today on these land sales have nothing to do with the land sales. It has to do with, in my opinion, that these resolutions do not comply with the disclosure requirements of Act 176 of 2009. So all my no votes will reflect that reason and I will not say that again. Thank you."

Speaker Say: "So the previous measures were okay?"

Representative Choy: "Yes."

Speaker Say: "This is just for, is it for 1256, 1257 and 1258?"

Representative Choy: "No. Just for Stand. Com. Rep. Nos. 1256 and 1258."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. I do not believe this particular measure meets the requirements set forth in Act 176. I do not believe it will survive a legal challenge, so with reservations please. This is just for Stand. Com. Rep. Nos. 1256 and 1258."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations for Stand. Com. Rep. Nos. 1256 and 1258. I would just like to say that I'm hopeful that the Senate side will correct the inadequacies of these resolutions. Thank you."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Choy be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," was adopted, with Representatives Awana, Berg, Choy and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1257-10) recommending that H.C.R. No. 28, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 28, be adopted, seconded by Representative Evans.

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1258-10) recommending that H.C.R. No. 29, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 29, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," was adopted, with Representatives Awana, Berg, Choy and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1259-10) recommending that H.C.R. No. 30, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 30, be adopted, seconded by Representative Evans.

Representative Choy rose to speak in opposition to the measure, stating:

"Mr. Speaker, no votes for Stand. Com. Rep. Nos. 1259, 1260, 1261 and 1262 for the reasons stated before."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just wanted to say that I have reviewed these, and I do believe that they do meet the requirements of Act 176. Thank you."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Morita on Stand. Com. Rep. No. 1261-10 and H.C.R. No. 32 be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose and asked that the Clerk record an aye vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," was adopted, with Representatives Awana, Berg, Choy and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1260-10) recommending that H.C.R. No. 31, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 31, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Chong rose and asked that the Clerk record an aye vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Morita on Stand. Com. Rep. No. 1261-10 and H.C.R. No. 32 be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose and asked that the Clerk record an aye vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," was adopted, with Representatives Awana, Berg, Choy and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1261-10) recommending that H.C.R. No. 32, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 32, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Chong rose and asked that the Clerk record an aye vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, please register a no vote for me on Stand. Com. Rep. Nos. 1261, 1262 and 1263. My comments for all three are the same. These are larger parcels that are going to be developed for affordable homes. I think we really need to look at the policy regarding the buyback provisions and ensure that these homes remain in the affordable home inventory for the long term and not just 10 years. Thank you."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Morita be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose and asked that the Clerk record an aye vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," was adopted, with Representatives Awana, Berg, Choy, Morita and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1262-10) recommending that H.C.R. No. 33, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 33, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose to speak in opposition to the measure, stating:

"Mr. Speaker, please record a no vote for me. I think there has been some confusion in the community over whether or not this is land designated for a park so I'd just like to pause and let us analyze that issue. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And just in rebuttal to the speaker from Kahaluu for Stand. Com. Report 1262-10, HCR Number 33. I do understand the concerns that some people may have thought this was a park. However, if you read the second paragraph, this is already zoned residential 3.5. This is part of the master plan for residential.

"It is my understanding that DHHL may have told its homesteaders that this parcel was going to be a park. It's not DHHL land. It's HHFDC land. Whether or not DHHL told that to the homesteaders, that's DHHL's problem. If you look at the master plan, again, it was supposed to be residential, and if you look at the zoning on line eight, it's already zoned residential. So there should be no confusion that this was supposed to be parkland. Thank you."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Morita on Stand. Com. Rep. No. 1261-10 and H.C.R. No. 32 be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support of all these resolutions. With respect to Stand. Com. Rep. No. 1262-10, I want this to be made very clear. First of all I'd like to adopt the comments, the words of the Majority Whip as if they were my own with respect to this particular Stand. Com. Report.

"As the Representative of this district, I actually became aware of this several months ago when some of my homesteaders contacted me about this particular lot and so I contacted HHFDC, as well as the Villages of Kapolei Association. It is my understanding that there was an incorrect misrepresentation that was made to the homesteaders.

"Mr. Speaker, I'd like to go actually with reservations on this particular Stand. Com. and I want to explain why. There seems to be a disconnect between some of our State agencies. I did in fact talk to the President of Kaupea this morning. From what I understand. HHFDC, pursuant to Act 176, did inform DHHL of what was happening with respect to this particular property.

"Unfortunately, DHHL failed to inform the homesteaders. So when we had the hearing in the Water, Land Committee with respect to this resolution, we didn't receive any testimony from DHHL. And when I didn't receive any testimony I just thought that they were okay with it because they understood that pursuant to the master plan, this would go into the lot for affordable housing.

"So it was very surprising to me then when I got these phone calls. I double checked again with HHFDC. And again, the reason I'm going with reservations is because there needs to be better communication.

"Even though this information was communicated to the Chair and Deputy Chair of DHHL, they failed to tell the residents; and they don't live in Kaupea, the Homestead Association Project that would be affected by this particular lot. So my reservations really just deal with communication. We really have to figure out a way to be better coordinated between our State agencies, particularly between HHFDC and DHHL in Kapolei. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just want to note my reservations on the same measure for the same reasons."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, I'm in opposition. I think because of the confusion noted earlier and because I don't think this needs to be done this year and maybe we can vet it just a little bit more, I'm going to urge my colleagues to join me in voting this down and just giving another year or maybe just a few more months to figure this out.

"I think that if someone was told that a parcel was going to be a park, and it was told by a State agency, I think we as legislators have almost an obligation to just vet this out and just check it out to make sure that we're doing the right thing. At this point because of the confusion, I don't know. So I 'm going to vote no."

Representative Pine rose to speak in opposition to the measure, stating:

"On HCR No. 33, I'd just like to change my vote to a no vote please."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was adopted, with Representatives Awana, Berg, Choy, C. Lee, Morita, Pine, Shimabukuro, Takai and Wooley voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1263-10) recommending that H.C.R. No. 34, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 34, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Chong rose and asked that the Clerk record an aye vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Morita on Stand. Com. Rep. No. 1261-10 and H.C.R. No. 32 be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Har rose and asked that the Clerk record an aye vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was adopted, with Representatives Awana, Berg, Morita and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1264-10) recommending that H.C.R. No. 36, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 36, be adopted, seconded by Representative Evans.

Representative Ito rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII," was adopted, with Representatives Berg, C. Lee and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1265-10) recommending that H.C.R. No. 44, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 44, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1266-10) recommending that H.C.R. No. 45, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 45, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR BEACH ACCESS RIGHT-OF-WAY PURPOSES," was adopted, with Representatives Awana, Berg and Choy voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1267-10) recommending that H.C.R. No. 46, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 46, be adopted, seconded by Representative Evans.

Representative Choy rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I just wanted to share some thoughts that were not mentioned earlier. As a Native Hawaiian, I know the Representative from Waianae has spoken about the mission of the Hawaiian Homes and what it does for our community. But when you think about the mission of Hawaiian Homes, I believe you have to have a 50% blood quantum to qualify.

"Some of these homes are owned by Hawaiian people, and if not for this they could own the home. So Mr. Speaker, I just wanted to share those few comments with all due respect to the previous speakers in opposition, and register my strong support for this resolution."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, for different reasons then from the Representative from Manoa, a no vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES," was adopted, with Representatives Berg and Choy voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1268-10) recommending that H.C.R. No. 47, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 47, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Manahan rose to speak in support of the measure, stating:

"Strong support, Mr. Speaker. Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU," was adopted, with Representatives Berg and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1269-10) recommending that H.C.R. No. 292, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 292, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENTER INTO AN AGREEMENT TO TRANSFER THE MAUNA KEA STATE RECREATION AREA AND THE HAPUNA BEACH STATE RECREATION AREA TO THE COUNTY OF HAWAII," was adopted, with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1271-10) recommending that H.C.R. No. 320, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 320, be adopted, seconded by Representative Evans.

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. And if I could submit written comments, and thank all the Members for the interesting policy discussion."

Representative Wooley's written remarks are as follows:

"I support this resolution wholeheartedly, though I have concerns about many of the other resolutions that will move forward today.

"Act 176, from last Session, has proven to be a very useful policy tool and important legislative process. Now, before the State Executive Branch can sell public land, it must successfully introduce and pass a legislative resolution. This process will help to ensure there is broad support for land sales before final deals are made, and it will prevent potential "sweetheart deals" that would benefit the few at the public's expense.

"The implementation of Act 176 and the passage of this year's resolutions has given me pause to reflect upon – and the opportunity to discuss – State land use policy. It may be that the selling of public land, especially during a recession, is tempting, but it is not necessarily prudent. During Finance hearings on these resolutions, it became clear that State agencies responsible for proposing the resolutions and selling State land do not have policies in place to ensure the sale of State land serves a public purpose, particularly in the long run.

"However, I do believe there are some situations where the sale of public land is in the best interest of the public. This resolution is one of those times. This resolution will allow for the sale of State land to the Boy Scouts of America. This proposed sale is unlike all the other resolutions we've seen today simply because it was a contract that was actually entered into many years ago, and the land was exchanged. However, there was an inadvertent omission of the tax map key from the 2004 recorded conveyance. This resolution will allow the omission to be corrected, once and for all."

Representative Har rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition to HCR No. 320, Standing Committee Report 1271-10. Mr. Speaker, this resolution attempts to basically approve a former land exchange between the Board of Land and Natural Resources and the Boy Scouts of America.

"The problem is, this is ceded lands. As this Body well knows, we've had many discussions throughout the past couple of weeks regarding Act 176 which we passed last year, which prohibited the State from selling ceded or non-ceded lands without legislative approval.

"In all my conversations with the colleagues of this Body, I think the message was made very clear. That when it came to ceded lands, we had a policy. So I have very serious reservations. If people were going no on these other resolutions for whatever reason, the fact of the matter is this. This is ceded lands. For these reasons I stand in opposition, Mr. Speaker. Thank you."

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At 12:55 o'clock p.m. Representative Keith-Agaran requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a possible conflict. From December 2000 to December of 2002 I was a member of a Board that was involved in approving the land exchange that's in the underlying resolution," and the Chair ruled, "no conflict."

Representative Awana rose in opposition to the measure and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. I just wanted to state for the record the reason why I'm in support this. I do believe that Act 176 is the law of the land right now, and as such, this particular resolution as I read it, follows the requirements of Act 176, number one.

"Number two, which is very different from everything else, this land was actually sold years ago, and they're just trying to fix up some problems that occurred over the past. So it's very different from all the other parcels because I think the other parcels right now, we're trying to sell them. In this particular example, it was already sold. I guess mistakes were made. The Boy Scouts, I'm assuming it's the Boy's Scouts, currently sit on this particular parcel. And for those reasons Mr. Speaker, and for consistencies sake, I am supporting this. Thank you."

Representative Awana rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose in support of the measure and asked that the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was adopted, with Representatives Awana, Berg, Carroll, Har, C. Lee, Morita, Pine and Shimabukuro voting no, and with Representatives Belatti, Bertram, Hanohano, McKelvey and Sagum being excused.

At 1:01 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:02 o'clock p.m., with Vice Speaker Magaoay presiding.

STANDING COMMITTEE REPORTS

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1272-10) recommending that H.C.R. No. 155, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 155, be adopted, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. Thank you. In 2006, this Body passed a bill establishing the Joint Legislative Committee on Family Care Giving. In subsequent years the Committee decided to change the name to the Joint Legislative Committee on Aging in Place.

"They have met monthly since 2006, bringing together people from the *kupuna* caucus, the grandparents who care for grandchildren, and many community members. They have also prepared annual reports that have been submitted to the Legislature, in addition to documented research. They've also prepared an annual legislative package. And they've been a forum for aging issues in the State of Hawaii. So I'd like to ask for the Members' support and hopefully this Committee can continue its work over the next several years. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

At this time, Representative Souki called for the question for all resolutions from page 7 to page 28, and subsequently withdrew his motion.

The Chair responded, stating:

"No, we can't do that."

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1273-10) recommending that H.C.R. No. 50, HD 1, as amended in HD 2, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 50, HD 2, be adopted, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just need to ask for a ruling on a potential conflict. The Division Chief at the State Historic Preservation Division's daughter works for me as Session staff," and the Chair ruled, "no conflict."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 50, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUMMIT FOR THE HEALING AND CREATION OF POSITIVE CHANGE FOR THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1274-10) recommending that H.R. No. 140, be adopted; and

(Stand. Com. Rep. No. 1275-10) recommending that H.C.R. No. 209, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 140, and H.C.R. No. 209, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. I thank the gentlemen from Maui for his lack of presence. It appears he has left the place. But I appreciate everybody not doing a second on that motion, because even though this is a resolution, this is about the fourth estate, Mr. Speaker. This is about the press. This is a resolution to say, '*Star-Bulletin*, keep the window open a little bit further just so there's the possibility that somebody can buy the newspaper.' There's a possibility that somebody might step up to the plate, even though it's been a losing proposition.

"Mr. Speaker, we should recall that Thomas Jefferson said, 'If I had to choose between government and the press, I'd choose the press.' That's how important it has been for the free society that we are in, and that we have to remain. Even though, Mr. Speaker, for those of us here in the '90s, you'll recall that never was there a Floor session where there wasn't probably two or three cameras, two or three newspapers. We usually get the AP, but now we're lucky if we get the AP, plus the *Star-Bulletin* or the *Advertiser*.

"It's a dying profession. If this is a way to keep it alive by having somebody purchase it, modify it, reconstruct it. It is an encouragement that passing this resolution will do. I think 120 days would be ideal the way that they've closed it. With just a couple of weeks it's not appropriate. So the signal that this would send, I think, is not only for continuing the freedom of the press, but for being at least a two-newspaper town for as long as they can stand. Thank you."

Representative Ching rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.R. 140 and H.C.R. 209, which urges the owner of the *Honolulu Star-Bulletin* to provide sufficient time to find a new owner for the newspaper to preserve two independent daily newspapers in the community. Most importantly, if we are to allow today's challenging economy to silence the Star-Bulletin, our local community will come to observe only a single perspective on salient newsbreaks at a time when we can least afford such blind partiality. It is now more crucial than ever that we continue to press Hawaii's most influential voices to compete with one another, in order to ensure maximal accuracy, comprehensibility, and insight. Were a single voice to monopolize local news media, reporters and editors may feel that they can afford to lull, and citizens may complacently accept increasingly biased reporting.

"For 126 years, the *Star-Bulletin* has enlivened and enlightened Hawaii's local community with "incisive reporting, thought-provoking commentary, and delightful satire." One of the *Star-Bulletin*'s most valuable attributes lies in the fact that it has retained an independent legacy, and has thus minimized situations in which reporters may have otherwise felt the need to placate and extol certain parties over others. The award-winning quality of the *Star-Bulletin* has, moreover, become so deeply absorbed into the fabric of island living that thousands of our constituents would lament its loss, not to mention the approximate 200 jobs which the *Star-Bulletin*'s closure would sacrifice.

"Therefore, in light of the assertion which Oahu Publications, Inc made on February 25, 2010, that it would close or merge the *Star-Bulletin* if a qualified buyer is not found by April 2010, we must encourage this owner to persevere, allowing a generous yet reasonable time frame for its search to find a promising buyer. Along with the rest of our community, the publisher will also reap benefits in the future to more than compensate the costs of such a search, as the presence of two print voices will greatly enrich daily life in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 140, entitled: "HOUSE RESOLUTION URGING THE OWNER OF THE HONOLULU STAR-BULLETIN TO PROVIDE SUFFICIENT TIME TO FIND A NEW OWNER FOR THE NEWSPAPER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OWNER OF THE HONOLULU STAR-BULLETIN TO PROVIDE SUFFICIENT TIME TO FIND A NEW OWNER FOR THE NEWSPAPER TO PRESERVE TWO INDEPENDENT DAILY NEWSPAPERS IN THE COMMUNITY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1276-10) recommending that H.R. No. 165, HD 1, as amended in HD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 165, HD 2, entitled: "HOUSE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER IN THE UNITED STATES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1277-10) recommending that H.C.R. No. 235, HD 1, as amended in HD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 235, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER IN THE

UNITED STATES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1278-10) recommending that H.R. No. 142, be adopted; and

(Stand. Com. Rep. No. 1279-10) recommending that H.C.R. No. 212, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 142; and H.C.R. No. 212, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in support of these two resolutions. Thank you, very much. I stand in support. This is acknowledging our Korean community of which many of you may not know, but Liliha has quite a strong Korean heritage in that the first Korean church and the Korean Consulate is near and around Liliha.

"I do want to recognize, and I did talk to some of the authors of this, but that there are coalitions as I said on a previous bill. There is a Hawaii Capitol Coalition which for decades has been taking care of what is the Capitol and the surrounding Capitol area. There's so much work and organization, and I'm just looking forward to the group here also working with them and Washington Place. But I think it's really like the *lo'i* bill, a wonderful idea. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE TO BE PLACED ON MILLER STREET ADJACENT TO WASHINGTON PLACE, FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE TO BE PLACED ON MILLER STREET ADJACENT TO WASHINGTON PLACE, FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1280-10) recommending that H.C.R. No. 86, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUA'I TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1281-10) recommending that H.C.R. No. 182, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO OFFER LEASES OF PUBLIC LAND LOCATED IN KOKEʻE STATE PARK THROUGH A PUBLIC LOTTERY SYSTEM," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1282-10) recommending that H.C.R. No. 216, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1283-10) recommending that H.C.R. No. 237, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ECONOMIC STIMULUS OVERSIGHT COMMISSION TO EXPAND ITS MONITORING OF FEDERAL STIMULUS FUNDS AVAILABLE TO HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1284-10) recommending that H.C.R. No. 15, HD 1, as amended in HD 2, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 15, HD 2, be adopted, seconded by Representative Evans.

Representative M. Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I stand in support of this resolution because falls are a continuing problem amongst older adults and often lead to fractures, subdural hematomas, and inability to walk. After a serious fall, many develop pneumonia and bedsores because of confinement to bed. All of this leads to increased costs and pain and suffering.

"Reducing falls is a major preventive goal for our aging population. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 15, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII CENTER ON AGING TO CONVENE A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1285-10) recommending that H.C.R. No. 129, HD 1, as amended in HD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 129, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1286-10) recommending that H.C.R. No. 199, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 199, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER CERTAIN FACTORS BEFORE ENTERING INTO CONTRACTS WITH MANAGED CARE ORGANIZATIONS THAT PROVIDE MEDICAID BENEFITS UNDER QUEST MANAGED CARE PLANS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1287-10) recommending that H.R. No. 7, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 7, entitled: "HOUSE RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1288-10) recommending that H.C.R. No. 13, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1289-10) recommending that H.R. No. 10, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1290-10) recommending that H.C.R. No. 19, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1291-10) recommending that H.R. No. 21, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1292-10) recommending that H.C.R. No. 61, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1295-10) recommending that H.C.R. No. 17, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII AT HILO'S COLLEGE OF PHARMACY IN ITS EFFORTS TO OBTAIN FEDERAL FUNDING TO ESTABLISH A BEACON COMMUNITY ON THE ISLAND OF HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1296-10) recommending that H.C.R. No. 56, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 56, be adopted, seconded by Representative Evans.

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.C.R. 56. A financial and management audit of the DOE is long overdue. The large bureaucracy of the Department of Education needs to be held accountable for how its funds are spent, especially when in comparison to other states we spend more, but have yet to reap the true benefits of our investments.

"Even the Department of Education has stated in their own testimony that they have "always welcomed independent audits by the State Auditor." If we do not hold this bureaucracy accountable for its actions, we, as a State, are failing our *keiki*. Thank you."

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this concurrent resolution is to request a financial and management audit of the Department of Education.

"It is unlikely that improvements can be made within the Department without objective analysis of operations. The public requires assurance that operations are efficient and that public funds are well spent. Regular evaluations, both from peers and from outside agencies, can lead to demonstrative improvements when accepted at face value and acted upon appropriately.

"Further, we are under great pressure to increase funding for our public schools. It is presumed, that increased funding will have a positive impact on and better results in instruction. Before funding is restored a complete objective review of the Department of Education's funding, structure and an operation is in order.

"I want to thank Representative Chris Lee for spearheading this fiscal and managerial audit of the Department of Education. It would not have come this far without all his hard work to make this happen.

"For these reasons, I support this concurrent resolution and urge my colleagues to do the same. Thank you."

Representative Belatti rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in strong support of House Concurrent Resolution 56 which requests the Auditor to perform a financial and management audit of the Department of Education (DOE). Even before the current Furlough Friday crisis, the State's public education system has been plagued with significant problems that have been brought vividly to forefront of the public's attention. As the State agency receiving substantial amounts of general funds, a comprehensive financial and management audit of the DOE is a smart first step in imposing greater transparency and accountability on this agency.

"In its testimony before the House Education Committee, the DOE noted that various financial, single, local school fund audits, and single program reviews by federal and State agencies are conducted annually. However, this resolution provides for a much-needed, more comprehensive review of the DOE from the departmental level and calls for a holistic examination of the effectiveness and efficiency of departmental operations including organization and management of the DOE, especially with regard to personnel, and efficacy of fiscal operations, especially with respect to spending and accountability.

"The tax-paying public is entitled to better transparency and accountability from the system that, not only consumes much of the State's resources, but is ultimately responsible for the future well-being and education of our children. For these reasons, I am in strong support of HCR 56."

Representative C. Lee rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative C. Lee's written remarks are as follows:

"I want to thank Representative Mark Takai, Representative Denny Coffman, Representative Glenn Wakai, Representative Keith-Agaran, Representative Scott Nishimoto, Representative Tom Brower, Representative Mark Nakashima, Representative Joe Bertram, Representative Karl Rhoads, Representative Roy Takumi, and Representative Scott Saiki, for all their hard work in pushing this audit forward.

"Mr. Speaker, in particular I would like to thank one individual. I want to thank him for spearheading this long-overdue fiscal and managerial audit of the Department of Education. It would not have been possible without all his hard work to make this happen.

"I want to thank Representative Della Au Belatti, Representative Lyla Berg, Representative Mele Carroll, Representative Faye Hanohano, Representative Sylvia Luke, Representative Mina Morita, Representative Maile Shimabukuro, and Representative Jessica Wooley for all their hard work pushing this audit forward.

"Mr. Speaker, in particular I would like to thank one individual. I want to thank her for spearheading this long-overdue fiscal and managerial audit of the Department of Education. It would not have been possible without all her hard work to make this happen."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I support this resolution and hope that it provides information to the public that is long overdue. It may not be simple, it may not be easy, but it is an important step in the right direction to ensure the Department of Education spends public money wisely and transparently."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in strong support of HCR 56 which requests a financial and management audit of the Department of Education. I am very pleased to see that the Majority in the House of Representatives is finally recognizing what the Minority has advocated for years now. DOE, one of the largest and most expensive segments of the Hawaii State government has not been audited since the 1970s.

"It is inconceivable that a $2 billion plus entity was allowed to operate for almost forty years without a comprehensive audit. It is unfortunate that it took embarrassing catalysts such as Furlough Fridays, the shortest school year in the country, and years of poor standardized test results to finally engender this action. A full financial and management audit is the beginning of achieving some meaningful education reform."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1297-10) recommending that H.R. No. 62, HD 1, be adopted; and

(Stand. Com. Rep. No. 1298-10) recommending that H.C.R. No. 114, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 62, HD 1; and H.C.R. No. 114, HD 1, be adopted, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I just want a ruling on a potential conflict. For all of these measures on this page, I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

Representative Rhoads rose to speak in opposition to both measures, stating:

"Mr. Speaker, with apologizes to my neighbor from Kakaako, I'd like to vote no on both of these resolutions. Mahalo."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was adopted, with Representative Rhoads voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was adopted, with Representative Rhoads voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1299-10) recommending that H.R. No. 63, HD 1, be adopted; and

(Stand. Com. Rep. No. 1300-10) recommending that H.C.R. No. 115, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 63, HD 1; and H.C.R. No. 115, HD 1, be adopted, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I just want a ruling on a potential conflict. For all of these measures on this page, I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 63, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 115, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1301-10) recommending that H.R. No. 65, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 65, entitled: "HOUSE RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1302-10) recommending that H.C.R. No. 117, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CONGRESSIONAL AND STATE FUNDING FOR BROADBAND INFRASTRUCTURE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1303-10) recommending that H.R. No. 100, be adopted; and

(Stand. Com. Rep. No. 1304-10) recommending that H.C.R. No. 162, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 100; and H.C.R. No. 162, be adopted, seconded by Representative Evans.

Representative M. Lee rose to speak in support of both measures, stating:

"Mr. Speaker, on both of those resolutions, in strong support and written comments."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support. These resolutions are important because incarcerated persons must be educated about their responsibilities to family before they leave prison. This just makes sense and will help both the prisoner and his family in the long run. The responsibilities are just part of good parenting, which some have never been exposed to in the past.

"The Public Safety Director indicated in hearing that volunteers might be used to implement such a program. I urge the Members' support of these resolutions which support families."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1305-10) recommending that H.C.R. No. 123, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1306-10) recommending that H.C.R. No. 166, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION AND OTHER RELATED PARTIES, TO CONTINUE TO PURSUE BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1307-10) recommending that H.R. No. 102, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 102, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY, IN COLLABORATION WITH THE HAWAII BOXING COMMISSION AND OTHER RELATED PARTIES, TO CONTINUE TO PURSUE BRINGING WORLD-CLASS BOXING EVENTS TO HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1308-10) recommending that H.R. No. 84, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 84, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1309-10) recommending that H.C.R. No. 145, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1310-10) recommending that H.R. No. 96, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 96, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1311-10) recommending that H.C.R. No. 158, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1312-10) recommending that H.R. No. 98, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 98, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1313-10) recommending that H.C.R. No. 160, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 160, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR NURSING TO EVALUATE THE NEED AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1314-10) recommending that H.R. No. 103, HD 1, be adopted; and

(Stand. Com. Rep. No. 1315-10) recommending that H.C.R. No. 167, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 103, HD 1; and H.C.R. No. 167, HD 1, be adopted, seconded by Representative Evans.

Representative Manahan rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, just please note my reservations on Stand. Com. Rep. Nos. 1314-10 and 1315-10. I'm just not sure, if the Board of Education cannot even deal with the issue of being able to sell ice cream in schools, that they would be able to carry something like this out. Thank you."

Representative Berg rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support and I fully can appreciate the concerns of the Representative from Kalihi. I would like to reassure colleagues that in looking at the underpinnings of this, not only our Constitution, but also Board policy that requires an integration of culture and language in all our public schools, not just emerging schools or language Charter Schools that the University of Hawaii, both in Hilo as well as at Manoa, are willing to provide free of charge, consultation, guidance, and training for teachers and guidance to integrate what this actually means.

"The Charter School, Kanu o ka 'Aina in Waimea is the initiator of these resolutions; and is accredited now by WASC, as well as the HAIS. I think they will be willing to give some guidance to the Board of Education as well. Thank you, very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 103, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1316-10) recommending that H.C.R. No. 139, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 139, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"I want to commend and thank the members of the Hawaii Law Enforcement Memorial Foundation (HLEMF) who spearheaded this effort to memorialize State and local law enforcement officers who gave their lives in the line of duty. In addition, I want to thank the Department of Accounting and General Services for offering initial support for the intent of this measure; I hope they will continue to be actively involved in this project.

"During the March 18 Public Safety Committee hearing on this measure, some of the most compelling testimony came from family members and friends of fallen law enforcement officers. These individuals recounted acts of bravery and selfless acts undertaken by the law enforcement officers that this memorial seeks to honor. These are the stories and acts that take place every day that keep our families and neighborhoods safe, but which are too rarely acknowledged.

"Perhaps this memorial's placement on the Capitol grounds will cause all of us to pause and reflect upon the reliable and laudable work undertaken daily by law enforcement personnel.

"This memorial will be a welcomed addition and compliment to the historic Capitol District, and I urge the Legislature to adopt this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1317-10) recommending that H.C.R. No. 161, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 161, HD 1, be adopted, seconded by Representative Evans.

At 1:16 o'clock p.m. Representative Har requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, so much. I'm rising with some strong reservations on this particular resolution because while I'm in very much support of the arts, I just have some questions on requesting a business to do something. It's a fine line that we tread on when we do things like this. Additional written comments, please."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition [*sic*] to H.C.R. 161, which requests Castle & Cooke Hawaii, Inc. to work with the Oahu Arts Center (OAC) and the community to secure an appropriate site for an arts center.

"This resolution intends to promote the successful development of young children as the celebration of arts helps brings families and communities together. The benefits of such a Center would include economic development of local communities and businesses by generating community participation in the Center, job creation, among other benefits.

"According to the testimony submitted by Castle & Cooke, Inc., "Castle & Cooke conditionally offered to donate land to OAC in Mililani Mauka for development of an arts center facility, if OAC could meet planning and development milestones which ensured that a facility was feasible and would actually be constructed…. Castle & Cooke's conditional offer to donate land to … OAC expired over a year ago … this is a contractual matter between private parties."

"I think arts education is important, however, we tread on thin ice when we begin to legislate to businesses what they must do with their land. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 161, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CASTLE & COOKE HAWAII, INC. TO WORK WITH THE OAHU ARTS CENTER AND THE COMMUNITY TO SECURE AN APPROPRIATE SITE FOR AN ARTS CENTER," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1318-10) recommending that H.C.R. No. 181, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 181, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO DEVELOP A PLAN TO REDIRECT STORM WATER RUNOFF FROM STATE LANDS ADJACENT TO THE HANAPEPE SALT PONDS AWAY FROM THE SALT PANS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1319-10) recommending that H.C.R. No. 173, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL DISASTER PREPAREDNESS TRAINING CENTER AT THE UNIVERSITY OF HAWAII AT MANOA TO PREPARE A REPORT ON THE CIVIL DEFENSE PREPAREDNESS RESPONSE TO THE FEBRUARY, 2010 TSUNAMI THREAT," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1320-10) recommending that H.C.R. No. 187, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 187, be adopted, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just in support with reservations. My reservation is the Hawaii Paroling Authority said that they would like to establish a HOPE Parole Pilot Program, but due to budget cuts they would not be able to fulfill the request of this resolution."

Representative Tokioka rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was adopted, with Representative Tokioka voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1321-10) recommending that H.R. No. 105, HD 1, be adopted; and

(Stand. Com. Rep. No. 1322-10) recommending that H.C.R. No. 169, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 105, HD 1; and H.C.R. No. 169, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.R. 105 and H.C.R. 169, which requests the Office of Veterans' Services, assisted by the Department of Accounting and General Services and the Department of Defense, to develop a plan to create memorials to the veterans of the Persian Gulf War and Women Veterans of World War II on the grounds of the State Capitol near the Korean and Vietnam War Memorial.

"Our State Capitol stands to recognize and represent all citizens of Hawaii, especially those heroes who paid the ultimate sacrifice. Furthermore, by boldly acknowledging the place which every member of the armed services holds in our community, we will encourage veterans – who may have otherwise come to feel disillusioned and isolated from the purpose for which they fought – to assume more active roles in our community, and to take more interest in our government.

"Meanwhile, of course, we must also remain mindful to preserve the Capitol's harmonious design, into which our forebears invested such great care. In particular, it is essential that we consult the Hawaii Capitol Cultural Coalition, who have been involved for years in planning the design of the Honolulu Capitol District, and who can offer valuable insight into how we might best incorporate the new memorial while preserving the current layout's meaning. We must also ensure, as the State Department of Defense has voiced concern, that the construction project does not compromise priorities already in place, by competing for "scarce funds needed for essential time sensitive construction projects." Let us realize this valuable note of homage, and do so with wisdom, care, and efficiency in mind. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 105, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR AND WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 169, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES, ASSISTED BY THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF DEFENSE, TO DEVELOP A PLAN TO CREATE MEMORIALS TO THE VETERANS OF THE PERSIAN GULF WAR AND WOMEN VETERANS OF WORLD WAR II ON THE GROUNDS OF THE STATE CAPITOL NEAR THE KOREAN AND VIETNAM WAR MEMORIAL," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1323-10) recommending that H.R. No. 109, be adopted; and

(Stand. Com. Rep. No. 1324-10) recommending that H.C.R. No. 174, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 109, and H.C.R. No. 174, be adopted, seconded by Representative Evans.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of these resolutions. The purpose of these resolutions is to help provide access for the people of Hawaii to documents, records, and artifacts of the first United States President from Hawaii by urging President Barack Obama to select a location in Hawaii as the site for his presidential library.

"President Obama's election in 2008 sent a powerful message to the World: A *hapa* kid who was born and raised in Hawaii can become the leader of the Free World.

"This Hawaii-based library will provide the people of Hawaii and the people throughout the World with access to documents and artifacts of the Obama administration. Hawaii would be the most appropriate site for President Obama's library because he was born here and because Hawaii shares a unique perspective through the lens of the world. We are the "Melting Pot of the World," where the East meets the West.

"There are numerous possibilities for the site of the presidential library, including Punahou Schools, where he completed high school. You also may want to consider building the library at or near the campus of the University of Hawaii at West Oahu, which is in Kapolei.

"We in Hawaii would deeply appreciate the opportunity to advance the study and understanding of President Barack Obama's life and career.

"For these reasons, I support these measures and urge my colleagues to do the same. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 109, entitled: "HOUSE RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1325-10) recommending that H.R. No. 119, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 119, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1326-10) recommending that H.C.R. No. 184, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 184, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INVESTIGATORY PUBLIC HEARING TO EVALUATE THE BIOSECURITY PROGRAM BY EXAMINING STATE AND COUNTY POLICIES AND PRACTICES THAT AFFECT THE AVAILABILITY OF WATER FOR AGRICULTURE AND MAINTENANCE OF AGRICULTURAL IRRIGATION SYSTEMS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1327-10) recommending that H.R. No. 120, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 120, be adopted, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1328-10) recommending that H.R. No. 123, be adopted; and

(Stand. Com. Rep. No. 1329-10) recommending that H.C.R. No. 190, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 123, and H.C.R. No. 190, be adopted, seconded by Representative Evans.

Representative Pine rose to speak in support of both measures with reservations, stating:

"I just want to note my reservations on urging the National Guard Hawaii Youth Challenge to consider another alternative site for their program activities."

Representative Ward rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Herkes rose to speak in support of both measures, stating:

"In strong support. This is a Hawaii Island issue."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief retort. We are State Representatives, not island Representatives. And the issues is a preemption of somebody. 'The early bird gets the worm.' The Youth Challenge people had put their application in to use this premises. That was then with these resolutions, attempted to be cut off at the pass by somebody who came late. The other program is worthy, but chronology does make a difference. And I think those that were there, this is a preventive measure. Those that would come in through these resolutions would be a curative, which is sometimes more difficult.

"This is preventive. If we get the Youth Challenge people, they're keeping a lot of kids off the streets, a lot of kids out of prison. It's very worthwhile. And I don't speak as the Representative from Hawaii Kai when I say this. Thank you."

Representative Har rose to speak in support of both measures with reservations, stating:

"Yes Mr. Speaker. On Stand. Com. Rep. Nos. 1328 and 1329, with all due respect to my colleague from Kau, please note my reservations."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 123, entitled: "HOUSE RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was adopted, with Representatives Finnegan and Ward voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was adopted, with Representatives Finnegan and Ward voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1330-10) recommending that H.R. No. 153, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 153, entitled: "HOUSE RESOLUTION REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1331-10) recommending that H.C.R. No. 224, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION

REAFFIRMING THE SUPPORT OF THE HAWAII STATE LEGISLATURE FOR THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AS AN INCUBATOR FOR RESEARCH AND COMMERCIALIZATION OF ENERGY, HIGH TECHNOLOGY, AND ECONOMIC DEVELOPMENT IN THE STATE OF HAWAII," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1332-10) recommending that H.R. No. 209, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 209, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1333-10) recommending that H.C.R. No. 288, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 288, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1334-10) recommending that H.R. No. 184, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1335-10) recommending that H.C.R. No. 256, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1336-10) recommending that H.C.R. No. 200, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 200, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in strong opposition. Mr. Speaker, this is a resolution that proposes that we, the State of Hawaii, get into the banking business. We the government, start to have a hand in the till, if you will. And we know from the last housing crisis collapse, that we have these GSEs; these Government Sponsored Entities, Fannie Mae, Freddie Mac, and many others including them that are insolvent.

"Government doesn't know how to run the economy, Mr. Speaker that's what the whole lesson of communism and socialism was about. And why we're flirting with this is because there's one state called North Dakota that did this. And instead of putting their money into the private banks and let the normal system of banking progress, they decided to create their own bank where they cut their own money, and they don't have to pay the fees. They said they've made a few million dollars by doing this.

"But I had my office research this. How did they actually oversee this "North Dakota State Bank." It's by the appointment of the Governor. Mr. Speaker, would you want your loan to be approved by Governor Lingle? What if there's a Governor Abercrombie? Would we be able to get loans? Or if there's a Governor Aiona? Or what about a Governor Hannemann?

"Do you want to put politics in the heart and center of our economy? I don't think we want to do that. You say, 'Well look, this is just a study. It's no big deal. You're taking it too seriously.' I submit we're taking it as seriously as when we recommitted the 'Get Pearl Iboshi' resolution. When we recommitted the cockfighting resolution. Mr. Speaker, I feel so strongly about this, I move to table this measure and get rid of it."

At this time, Representative Ward moved to table the measure, seconded by Representative Marumoto.

Representative Thielen rose and stated:

"Thank you, Mr. Speaker, I strongly support that motion. I think that this is a ridiculous message to send out again about Hawaii. Don't come here. Don't try to do business here. Because the state will take it over."

Representative Say rose to a point of order, stating:

"Mr. Speaker, I believe she's out of order. There is no debate on the motion to table."

At 1:26 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

At this time, the Chair stated:

"Members, prior to recess there was a motion on the Floor regarding Stand. Com. Rep. No. 1336 to be tabled. It was seconded by Representative Marumoto, and now the motion is on the Floor before us."

The motion to table the measure was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Bertram, Hanohano, McKelvey, Mizuno, Nishimoto, Sagum and Takumi were excused.)

(Main Motion)

Representative Rhoads rose to speak in support of the measure, stating:

"I'm in support. Some of the arguments that have been made in the last few minutes are incredible to me considering the role that the private banking sector has played in what we're in now, the Great Recession. The activities of private banks have been unethical at best, and criminal at worst.

"This seems like a perfectly rational response, particularly when you look at this economic situation. North Dakota, which I think was alluded to as the only place that has a bank like this, has the lowest unemployment rate in the country, and the only, from my understanding, it is the only state that does not have a budget deficit at the moment. So I think it's perfectly legitimate to at least study the issue. Mahalo."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I'm voting no on this measure here. And I hope that the intent of this measure was not that the President gets a big golden parachute like the other banks have had throughout the nation. And I hope that I have not set the trend with the tabling of the motion for my friend. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am strongly against this measure, Mr. Speaker. Here we go again with the headlines in the *Wall Street Journal* and the other media across the nation that Hawaii now is going to nationalize, or make a State bank, the Bank of Hawaii. I mean who would want to put the investment money into it, because then the Legislature would probably take it and use it to fund different programs.

"The thing I find appalling from the speaker from the Chinatown area, is that he totally ignores the fact that our Bank of Hawaii has received the highest awards in the nation. And it received those for being fiscally responsible for taking care of its depositors, and for not being one of the banks that went under or had to be rescued by the federal government.

"So right here in Hawaii, we have an example of one of the best banks, or I think it may even be the best bank in the nation. And now someone, I don't even know who it is, has put in this ridiculous resolution to say we're going to create a state bank. Would you put money in it? I wouldn't."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Again, if people would read the resolution, it talks about a study. That's all it is. It's not about establishment. If and when we get to that, that's the time to argue about the policy. At this point it's just a study. So if people would calm down, I think they'd realize they are a bit premature. Thank you."

Representative Thielen rose, stating:

"Just a point of personal privilege. When this Body does a study, then people run for the hills because what follows after that is a law and more taxes, or something as stupid as this."

At this time the Chair stated:

"Thank you, Representative Thielen. You're out of order."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In strong opposition. Number one, studies do take time out from our employees' time, and therefore time is money. There are a lot important things that we're trying to solve, so to me, it's to look at legitimate solutions, and studies are not free.

"Number two, my feeling is that, myopia is defined as shortsightedness, the inability to see far. The fact is that you never want to clump all things in one category, because it shows that you don't have the finest to look that things are different.

"A couple differences, the Dakota model. If you look at Dakota, Dakota has one of the strongest educational achievement rates of almost any state, including the north, like in Minnesota, those colder places. They have a very high educational performance rate. And the situation with the North Dakota model is you're looking at small banks.

"I personally, with all due respect to my neighbor and colleague in Chinatown, I think banks here have had a very illustrious position and role in helping the community. Do I have a conflict of interest? I know some bankers, and I like bankers. I do like a lot of the bankers that have helped Hawaii.

"To say that all banks are bad is no different than when some people said that all elected officials are bad. Right? So to me, the fact is, is that this is another encroachment into the private sector. I have gone out to my community and when I have told people what do you think of this? Oh my god, I cannot tell you the amount of rolled eyes that I have seen.

"It may be a study, but we're taking time away. Time away discussing it. Time away for the Clerk and everyone else to process this. Time away from the hearings. I think that we should be looking at real world solutions, and this is just one more taking away from the private sector to do its job and to employ our local people."

Representative Marumoto rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. This might just be a study, but like most of our studies I think they are put up on the shelf and gather dust. I would hope that this would be the case with this particular subject of a state bank. But then if it does just gather dust, it's an exercise in futility, and as the previous speaker said a waste of time and energy and money.

"I'm glad that the Representative from Kailua brought up the fact that the Bank of Hawaii was recognized as being a very well-operated bank, especially since the President of it is the son of one of my close friends. But it is true. It is very well run, and I don't think all the banks here in town are rolling in money, excuse the expression. They're not that financially healthy. They're not that well capitalized. They're holding their own, but we have some good banks here. American Savings Bank, Central Pacific Bank and Hawaii National Bank, and we want them to prosper and do well. But a state bank would simply undercut them and take a lot of the State deposits away from them. They use that money to invest. I would hate to see us undercut them.

"Banks are the basis of our free enterprise system. I think we should make sure that they are well run and regulated, but we should stay out of their way and not impede their prosperity. So I would caution against implementing a state run bank. I only see this as a socialist idea. Thank you."

Representative Manahan rose, stating:

"Mr. Speaker, just a point of personal privilege. I think the former speaker from Kahala-Diamond Head should ask for a ruling on a potential conflict since her friend's son is the President of the Bank of Hawaii. Thank you."

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I ask for a ruling on a possible conflict of interest because my girlfriend's son is the President of the Bank of Hawaii. Thank you," and the Chair ruled, "no conflict."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I want to say that I will change my vote from no, to with reservations. Inasmuch as the State of Hawaii could be the first bank to start two consecutive years with $1.2 billion deficit, and end up in the plus. I think that's a great beginning for the State of Hawaii."

The Chair then stated:

"Thank you. Members, let's be sensible. This is a study for LRB and all of you who come back next year will be able to talk about this proposal when it becomes alive."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, I'm not going to stand here and talk about the successes of major world banks in financing world wars, but I will agree with the Department of Commerce and Consumer Affairs' testimony on this measure where they said, 'The

concept appears to have merit. A feasibility study by the Legislative Reference Bureau is clearly in order to determine if this model will be compatible with Hawaii.' Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote to state-owned bank study. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE-OWNED BANK," was adopted, with Representatives Berg, Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1337-10) recommending that H.R. No. 134, be adopted; and

(Stand. Com. Rep. No. 1338-10) recommending that H.C.R. No. 206, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 134, and H.C.R. No. 206, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF ESTABLISHING AND USING A SOLAR POWERED HIGHWAY LIGHTING SYSTEM ALONG HAWAII'S HIGHWAYS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1339-10) recommending that H.R. No. 214, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 214, entitled: "HOUSE RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1340-10) recommending that H.C.R. No. 297, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1341-10) recommending that H.C.R. No. 223, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 223, HD 1, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1342-10) recommending that H.C.R. No. 262, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 262, HD 1, be adopted, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"I just want a ruling on a potential conflict. For the same reasons earlier, I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1343-10) recommending that H.C.R. No. 284, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 284, be adopted, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UNDERTAKE PLANNING ACTIVITIES WITH RESPECT TO A NEW STADIUM ON

OAHU AND RELATED MATTERS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1344-10) recommending that H.C.R. No. 289, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 289, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you. Just in strong support with written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.C.R. 289, which requests State public entities to commit to healthier and more nutritious meals in their programs by spending more of their food dollars for locally-produced produce or other Hawaii agricultural products. This legislation offers enormous gains for all local parties, as we currently import approximately 85% of food consumed in the Island, and thus allow over $3 billion to annually leave our State, when those funds could easily be funneled to support local agribusinesses. After the multiplier effect takes place, moreover, the economy-wide impact of sales, earnings, tax revenues, and created jobs could enormously fuel our lagging economy, and prevent many independent businesses and farms from closing their doors.

"The Hawaii Farm Bureau Federation cites recent incidents to affirm its assertion that there is indeed student demand for healthier meal choices in Hawaii's public schools. "Healthy and nutritious meal choices that are affordable and accessible," they claim, "will go a long ways to improving the health of our citizens." Because only 1 of 650 farmers now sell via the State procurement program, it is not surprising that the price and delivery negotiation processes between local farms and State-run initiatives must still become significantly more efficient. HFBF is now developing a training program to ease farmers' access to the program. However, time allotments proved insufficient, and many individual farmers did not know how to fill out necessary documents, or lacked needed resources. Nonetheless, HFBF announces itself "intent on making this process work."

"The Department of Education states some concern that it must comply with the "best buy" requirement upon which their receipt of federal monies relies, and thus cannot unconditionally commit to using ten percent of federally funded food dollars to purchase local produce exclusively. However, the issue here is that local farms are not yet given the opportunity to produce their crops at magnitudes necessary to serve such large enterprises. If we change that, and allow local agriculture to grow according to the demand already evident, price competition will cease to impose H.C.R. 289's one obstacle. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 289, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1345-10) recommending that H.C.R. No. 296, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROPERLY FUND THE SMALL BUSINESS REGULATORY REVIEW BOARD UNDER THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO SUPPORT HAWAII'S SMALL BUSINESSES," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1346-10) recommending that H.C.R. No. 298, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO COORDINATE INITIATIVES WITHIN THE COMMUNITY WHICH ADDRESS ENERGY INNOVATION WITH THE ORGANIZERS OF ENERGY AWARDS AND PROGRAMS, AND ASSIST IN THEIR OUTREACH TO THE HAWAII COMMUNITY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1347-10) recommending that H.R. No. 215, HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 215, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO COORDINATE INITIATIVES WITHIN THE COMMUNITY WHICH ADDRESS ENERGY INNOVATION WITH THE ORGANIZERS OF ENERGY AWARDS AND PROGRAMS, AND ASSIST IN THEIR OUTREACH TO THE HAWAII COMMUNITY," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1348-10) recommending that S.C.R. No. 178, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1349-10) recommending that H.R. No. 200, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1350-10) recommending that H.C.R. No. 278, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 200, HD 1; and H.C.R. No. 278, HD 1, be adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of both these measures. Thank you. I just wanted to thank both the Chairman of the Economic Development, Business, & Military Affairs Committee, and the Chairman of the Judiciary Committee for moving these two measures along.

"What originally started with a bill and because bills sometimes cost money, this 'morphed' into resos. But the truth of the matter is, there are a number of veterans returning from war who are having some difficulty, and unfortunately for those some of them end up in our Judiciary system.

"We have found out that there is a way to leverage our support for these veterans and to draw down federal funding by as much as 100%. So we're working with the Chief Justice and the Judiciary system along with all of the veteran's organizations and a few others, especially the Mental Health Association of Hawaii. We're working together to see if we can better address the needs of these veterans. I urge my colleagues to support this, and I wanted once again thank the two Chairmen. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 200, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND ACTIVE DUTY MILITARY PERSONNEL AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused; and

H.C.R. No. 278, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO CONVENE A COMMITTEE TO IDENTIFY AT WHICH POINT VETERANS AND ACTIVE DUTY MILITARY PERSONNEL AND RETURNING RESERVISTS AND NATIONAL GUARD MEMBERS ENTER THE JUSTICE SYSTEM, AND HOW BEST TO ADDRESS THEIR NEEDS, INCLUDING DEVELOPING A VETERANS COURT," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1351-10) recommending that H.C.R. No. 282, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 282, HD 1, be adopted, seconded by Representative Evans.

Representative Belatti rose to speak in support of the measure, stating:

"Thank you. In strong support and may I submit written comments."

Representative Belatti's written remarks are as follows:

"I rise in strong support of House Concurrent Resolution 282 which requests Congress to pass and send to the States for ratification a constitutional amendment to clarify the distinctions between the rights of natural persons and the rights of corporations. This constitutional amendment would preserve the power of Congress and the States to place limits on the ability of corporations to disproportionately influence the outcome of elections through limitless political expenditures.

"In January 2010, the United States Supreme Court in *Citizens United v. Federal Elections Commission* controversially ruled in a 5 to 4 decision that the government cannot ban corporations from supporting candidates through independent political expenditures. Based on the legal fiction that classifies corporations as “citizens” for certain purposes and treating corporations like natural persons, the Court held that corporations are entitled to First Amendment free speech protections. As a result of this decision, corporations and unions will now be allowed to spend unlimited amounts on independent expenditures from their treasuries.

"Treating corporations as natural persons is problematic and unhealthy for our system of democracy. As Justice John Paul Stevens noted in his dissenting opinion in *Citizens United*, the Constitution permits "restrictions on the speech of some in order to prevent a few from drowning out the many." *Citizens United* will unquestionably unleash an overwhelming flood of corporate spending on federal elections that will threaten the ability of ordinary voices to be heard in the marketplace of ideas.

"By urging and supporting Congress to pass a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations for the purpose of political contributions, our voice, as the Hawaii State Legislature, will join those voices of citizens across the nation who are working to ensure the integrity of our democratic system of government."

Representative Ward rose to speak in support of the measure with reservations, stating:

"I rise in support with very, very slight reservations and basically a footnote. Thank you, Mr. Speaker. To be fair, this reso should read, 'To regulate the expenditure of funds by corporations and unions engaging in political speech.'

"The point being that in 1907, corporations were prohibited by Congress, and until I think recently when they were allowed to do PACs, corporations kind of stayed in the background. Then in 1948 unions were prohibited by Congress from contributing with their treasury funds in campaigns. But then when PACs came in, it was donations and the two have been actively added if you will; the two big money powers are the corporations and the unions. So this one says, let's exclude the unions and only put the corporations.

"So this is half of the pie. Because if this goes through and they only prohibit corporations, it's not going to work either. If we want to get balance, we should make this reso balanced. That's just a historical footnote to say that this will not work if this is the only thing that they do. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 282, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH," was adopted, with Representatives Bertram, Hanohano, McKelvey and Sagum being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Bertram, Hanohano, McKelvey, Nishimoto and Sagum were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans:

H.B. No. 1853, (SD 1)

Representative Thielen rose, stating:

"Mr. Speaker, before I can cast a vote on this I wanted to find out whether or not this would prohibit school groups and functions from raising money like at athletic events and etc. And my question is directed to the Chair of Education, to ask if he would respond to the scope of this bill."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. We're not actually on the adoption or the Final Reading yet. We're just on the 'move to agree' motion."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Bill. (Representatives Bertram, Hanohano, McKelvey, Nishimoto, M. Oshiro and Sagum were excused.)

H.B. No. 1853, SD 1:

Representative B. Oshiro moved that H.B. No. 1853, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. I believe that there are exceptions within the bill. And since it won't go to Conference Committee, I am concerned about whether or not they're broad enough. I was wondering if the Chair of Education could just indicate that?"

Vice Speaker Magaoay: "Will the Chair of Education yield to a question?"

Representative Thielen: "That was my question. I just wanted the exceptions, if he could just indicate that. Thank you."

Representative Takumi rose to respond, stating:

"If you read the bill it says that they can apply for written permission to get an exemption as to whether or not they can sell ice cream or candy."

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, then that means the school would have to go ask, 'Mother May I' from the Board of Education or the Department, which makes it a lot more difficult for the groups to be able to support their activities.

"I believe in the nutritional goal of this, but I do not believe in the 'Mother May I' approach that it takes for the exemptions, so I'm going to vote no."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this particular bill to prohibit the sale of candy and ice cream and other merchandise on school campuses without the written permission of the DOE, although it allows exemptions. Perhaps I would go along with prohibiting candy, but on the other hand, ice cream I kind of see as a treat that contains calcium. It is also a product that is manufactured or processed locally so I would not like to see a prohibition on ice cream. So because of this concern I have, I just want to express some reservations. Thank you."

Representative Manahan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this measure simply because I don't think we should be creating policy on this. I think it's a personal choice. If the kids don't want ice cream they can say, no. I ask for additional written comments. Thank you."

Representative Manahan requested that the remarks of Representatives Yamane and Takai be entered in the Journal as his own, in lieu of submitting written remarks.

Representative Souki rose to disclose a potential conflict of interest, stating:

"Yes, thank you very much, Mr. Speaker. Before I cast my vote I have a potential conflict of interest. I'm a member of the Board of Directors of Maui Soda, who produces Roselani Ice Cream and other ice cream items," and the Chair ruled, "no conflict."

Representative Souki continued to speak in opposition to the measure, stating:

"Thank you, very much. I wish to vote no on this measure. The schools don't usually sell Roselani because it's relatively expensive, but to deprive the students from selling ice cream and candy I think is kind of 'Scrooge-like.' Right now when I go to department stores and other super markets, I usually see young people, students, selling candy and other items to the public so they make a little money for the classroom or to help them in the classroom activities.

"So if they need to, they can go and get the Board of Education approval prior to doing that. But they will not know whether they are going to get approved or not. I think it's just going to impede the students from doing this fundraising activity. So with this, I wish to vote against this measure."

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"I have reservations on the measure, just because I'm concerned that this is a money-making venture. But I'm also concerned about what the First Lady is concerned about, and that is childhood obesity. Perhaps we could think about selling fruit at school. Thank you."

Representative Yamane rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm standing in opposition with very brief comments. I just wanted to highlight the fact that the Hawaii Farm Bureau, as well as private business, Maui Soda and Ice Works Limited, both submitted testimony in opposition.

"I did want to note that in brief discussions with some of the schools in the past, and those that participate in Parent Teacher Organizations, that when they have football games or certain games in which they sell ice cream, candy, soda and these types of items, some of them are not the most healthy. However, part of their participation is to raise money for these nonprofit organizations or parent groups to help the students.

"For example, moneys that can be raised can be used to help purchase safety equipment for football players. They also can be used to help fund events for the students outside the regular educational format.

"So if you look at the language of the bill it, again as stated by the Chair of Education, that they would actually have to write for an exemption, which then makes it difficult for different groups, parent groups, or nonprofit groups to seek the approval prior to such events. So I think the discretion should be left up to the principal and the school districts, so I'm in opposition. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. I'm for half of this bill and against the other half, Mr. Speaker. Candy, okay we can get rid of candy. There's too much of that. The white sugar, and what it does to your body is bad.

"But the other one. My family is two-thirds Asian, and like many Asian families, have lactose intolerance. My family is lactose intolerant. So my wife makes my daughter eat ice cream so she can get the lactose, the nutrition, from otherwise not being able to drink milk. Now are we making a statement that all the Asian families out there, we don't want your kids to get any nutrition out of any of that while they're in school?

"I don't think that's logical, Mr. Speaker, and I don't think that it's a statement by which, okay candy is there, but I think we crossed the border when we get into ice cream. We're going to look like we're, as my colleague said, the 'nanny state.' Pretty soon we're going to say what kind of string beans, or what kind of *manapua* you can eat. This is never ending, this intrusion of government. Particularly when it gets to this lactose intolerance issue. We're going above and beyond what is an expectation for a state legislature, down at the school level.

"Of course they need better nutrition. Of course they should be mindful of their diets, but I think cutting out ice cream is wrong. Thank you, Mr. Speaker."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this. Thank you. I voted against this on Third Reading as well. And before the Representative from the 34th District talks about my love for candies and ice cream and things like that, and disparages me about my weight, I want to just say that I don't eat ice cream and I don't like candy. So I don't have a conflict, Mr. Speaker.

"There were two things that the Senate did on this particular draft. The first one, on page two, line ten, was they added the words, 'or permit the sale of merchandise.' I think the concern that I had the last time this came up was whether this bill reaches in and affects the sales for organizations like PTOs, PTAs, sports, affiliated organizations, and I think this change makes it even more clear that yes, it does, because schools permit the sales.

"In the past the wording was, 'operates stores or sell.' Schools didn't operate stores, nor did they sell merchandise. However, on many occasions and in this particular case, they do permit other organizations to sell these types of food-like products on their campuses. So I think this raises significant concerns.

"Number two, on lines 14 to 16, there was a deletion on the Department's requirement to adopt rules. I'm not too sure why that was, but I do have some concerns regarding that because I do think that there needs to be some clearly defined procedures of how organizations or schools, students, or others, need to seek written permission from the Department.

"So those are the two changes that the Senate made and I think that those of us who had concerns the last time, I think have even more concerns this time because of those changes.

"But the other thing I wanted to mention, Mr. Speaker, is that this bill is as a result of Federal Public Law 108-26.5 as it stated in the finding sections. But on line six, that law pertains to food available on school campuses during the school day. That is what the Public Law is focused on. Our change to our State law basically says, on school campuses, before, during, and after school. As you know, there are a lot of sports activities and sports venues, especially on high school campus. It's those types of activities that I believe this particular change affects the most.

"We didn't go to Conference, I'm not too sure why. Maybe we did open and decided that the Senate Draft is okay. I would strongly urge our colleagues to reconsider that decision. Take this to Conference and make sure that we're not doing anything detrimental to our schools. Thank you, Mr. Speaker."

Representative Aquino rose in opposition to the measure and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Takumi rose, stating:

"Thank you very much, Mr. Speaker. I can see this is going to be the highlight of the Education Package this year, engendering more debate than the Board of Education bill.

"Let me clarify, because there seems to be some misunderstanding about what this bill does. Just as an aside, keep in mind children are in schools for 15% of the school year. So as parents and as guardians of our children, if you have concerns, you can feed them whatever you want the other 85% of the year. We're talking about 15% of the time when kids are actually on campus.

"To address the concerns expressed by the Representative from Aiea regarding school events. If you recall in 2008, the Board of Education banned soft drinks. It was a money maker and all the rest of it. But in their wisdom, they said that schools could no longer sell soft drinks in vending machines in order to make money. But if you go to any sporting event, guess what? They sell soft drinks. How does that happen? It's because they were granted permission. If you go to any sporting event at a campus, they sell soda, they sell candy, gum, and all the rest.

"All this bill does, and the reason why we're here today, and I wish I wasn't in a sense, it's because it's in statute. To address the concern expressed by the Representative from Kalihi as to why we're talking about candy and ice cream, it's because in Chapter 302A, Section 11-46, it says schools can only sell lunch, milk, candy, ice cream, and things grown on the campus like produce and what not.

"So all the Department wanted, Mr. Speaker, was to just take out candy and ice cream, and say schools can sell milk, lunch, and products grown at that school. Because if we don't do this, frankly it's a housekeeping measure in my book, then we ought to introduce bills next year that say schools can sell spam *musubi* and sodas and gum, chips, donuts, popcorn, cappuccinos, run a sushi bar on the side. We ought to put all the items that a school can then sell. Because it seems odd to me that we have this little anachronism in the law that says candy and ice cream can be sold on school campuses, but they cannot sell potato chips or gum and all the rest.

"Again I will repeat myself for the last time. If you go to any sporting event, all those items that I just mentioned, with the sushi bars, are actually sold at these events. Thank you."

Representative Souki rose to respond, stating:

"Yes, thank you very much. In rebuttal. Mr. Speaker and Members, first of all, some years ago we gave the Board of Education policy-making power. So there is no reason for us to have legislation and to put it in State law, when the Board of Education themselves can make that particular policy. Again, it's the intrusion of the Legislature over and over again, making laws that the Board of Education themselves can do. So for this matter, I strongly urge the Members to vote this measure down."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I do agree with the previous speaker, I think from Kahului, and I'd just like to say that if we want to do this right, and we keep the policy in the right area, then what we would do is actually remove or eliminate 302A when it comes to what you can and cannot sell, and leave it to the Board of Education to do. Unfortunately, I don't think the Board of Education wants to take up these kinds of measures to govern the Department of Education and its schools, and that's unfortunate. But it's a sad thing when you have to bring those measures to the State Legislature to get passed. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, after all the debate I decided to change my vote to no. After listening to the esteemed Speaker Emeritus, I think he has merit. I just want to leave with an Ogden Nash quote. 'Candy is dandy; but liquor is quicker.'"

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I've been supporting this measure up until now because I did want to see how it came out. I've been a strong person telling people that I don't think we need to have ice cream and candy and all that on campus *per se*. But after school. I'm in agreement with the Representative and I ask that his words again be entered as my own, the one from Pearl City, as well as the Chair of Health.

"That after school, what people do to fundraise, etc., should be what they want to do and it's not that bad. We all know, as in chocolate, as in a lot of things, it's in the proportion. It's in the proportion. It's just, don't overdo it. There's spam *musubi*, there's all these other things that are probably pretty unhealthy. It's all in proportion. So the thing is to take away an opportunity for the children and the activities and all the other things. I agree with the former speakers and I have to regretfully change my yes vote, to a no vote."

Representative Luke rose, stating:

"I'm starving because all this talk of candy and ice cream is making me even more hungry, so I call for the question."

At this time, Representative Luke called for the previous question, seconded by Representative B. Oshiro.

Representative Takai rose, stating:

"Mr. Speaker, point of parliamentary inquiry. I believe the correct process is if there's a motion to end debate and a second, there needs to be a vote to end debate before we go to the roll call or any vote. We need to do that. Thank you."

At 2:04 o'clock p.m. Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:06 o'clock p.m.

At this time, the Chair stated:

"Prior to recess, there was a statement made on the Floor regarding the process. After conferring, we'll proceed right now. The motion before this Body now is to take the vote."

The motion was put to vote by the Chair and failed to carry, and H.B. No. 1853, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," did not pass Final Reading by a vote of 20 ayes to 21 noes, with Representatives Aquino, Awana, Belatti, Berg, Cabanilla, Chang, Ching, Choy, Finnegan, Karamatsu, Keith-Agaran, Manahan, Marumoto, Nakashima, Pine, Souki, Takai, Thielen, Ward, Yamane and Yamashita voting no, and with Representatives Bertram, Carroll, Hanohano, Herkes, McKelvey, Mizuno, Nishimoto, M. Oshiro, Sagum, Tokioka being excused.

At 2:10 o'clock p.m. Representative Belatti requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:13 o'clock p.m.

At this time, the Chair stated:

"Members, the Chair would like to clarify, regarding House Bill No. 1853, SD 1. I made the statement that the House Bill passed Final Reading, but due to the number of votes, the bill did not pass. So in other words, the bill is defeated."

Representative Say rose and asked that the Clerk repeat the votes.

The Clerk announced the votes on H.B. No. 1853, SD 1 as follows:

20 Ayes
21 Noes
10 Excused

At this time, the Chair reiterated that H.B. No. 1853, SD 1, did not pass Final Reading.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Bertram, Carroll, Hanohano, Herkes, McKelvey, Mizuno, Nishimoto, M. Oshiro, Sagum and Tokioka were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 134, HD 2, (SD 2)
H.B. No. 1927, HD 2, (SD 1)
H.B. No. 2197, HD 1, (SD 1)
H.B. No. 2546, (SD 1)
H.B. No. 2561, (SD 1)
H.B. No. 2568, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bills. (Representatives Bertram, Carroll, Hanohano, Herkes, McKelvey, Mizuno, Nishimoto, M. Oshiro, Sagum and Tokioka were excused.)

ANNOUNCEMENTS

Representative Shimabukuro: "Thank you very much, Mr. Speaker. I just wanted to remind this Body that our office is sponsoring the Naked Cow Dairy fundraiser for Foodbank of Hawaii. We have gourmet cream cheese and butter. It's the only dairy on Oahu. So you have until Monday 2:00 p.m. to place your orders. Please give my office a call. Thank you."

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Wooley introduced her husband, Mr. David Henken.

ADJOURNMENT

At 2:16 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, April 12, 2010. (Representatives Bertram, Carroll, Hanohano, Herkes, Ito, Karamatsu, McKelvey, Mizuno, Nishimoto, M. Oshiro, Sagum and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2058, HD 1, SD 1	McKelvey/Choy, Co-Chrs.; Evans, Ward
H.B. No. 2133, HD 1, SD 1	McKelvey/Choy, Co-Chrs.; Ward
H.B. No. 2831, HD 2, SD 2	McKelvey/Choy, Co-Chrs.; Evans, Ward

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2169, SD 2, HD 2	McKelvey/Ito/Karamatsu, Co-Chrs.; Ward

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 2200, HD 1, SD 2	M. Oshiro, Chr.; Aquino, Awana, Brower, Choy, Coffman, Har, Keith-Agaran, C. Lee, M. Lee, Nishimoto, Sagum, Tokioka, Wooley, Yamashita, Finnegan, Ward

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 16, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2546, SD 1

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 30, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 1927, HD 2, SD 1

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 6, 2010, and gives notice of intent to agree to the following House Bills:

H.B. No. 2197, HD 1, SD 1
H.B. No. 2568, SD 1

House Communication dated April 9, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bills:

H.B. No. 134, HD 2, SD 2
H.B. No. 2561, SD 1

FORTY-SEVENTH DAY

Monday, April 12, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Iete Mageo of the Agape Bible Church, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Har and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Sixth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 224) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 224, informing the House that on April 9, 2010, the following bill was signed into law:

S.B. No. 2772, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE." (ACT 013)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 536 through 575) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 536, dated April 9, 2010, informing the House that the Senate has this day overridden the veto to S.B. No. 771, SD 1, HD 1, by a two-thirds vote of all the members to which the Senate is entitled.

Sen. Com. No. 537, dated April 9, 2010, informing the House that the Senate has this day overridden the veto to S.B. No. 1311, SD 1, HD 1, by a two-thirds vote of all the members to which the Senate is entitled.

Sen. Com. No. 538, dated April 9, 2010, informing the House that the Senate has on April 8, 2010, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 1178, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH."

S.B. No. 2139, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS."

S.B. No. 2163, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING."

S.B. No. 2390, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE."

S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY."

S.B. No. 2611, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."

S.B. No. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

S.B. No. 2770, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY."

S.B. No. 2803, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL."

S.B. No. 2840, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

S.B. No. 2898, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES."

Sen. Com. No. 539, transmitting S.C.R. No. 6, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE CANCELLATION OF THE LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006; AND URGING THE DEPARTMENT OF EDUCATION TO CONTINUE THE LAHAINALUNA HIGH SCHOOL BOARDING PROGRAM," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 540, transmitting S.C.R. No. 18, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO OVERSEE THE INVESTIGATION OF THE DEPARTMENT OF BUDGET AND FINANCE'S HANDLING OF THE STATE'S INVESTMENT IN STUDENT LOAN AUCTION RATE SECURITIES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 541, transmitting S.C.R. No. 20, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST PUBLIC SCHOOLS STATEWIDE IN ADOPTING AND IMPLEMENTING COMPREHENSIVE CAMPUS RECYCLING POLICIES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 542, transmitting S.C.R. No. 42, SD 2, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR LOCAL ACCOUNTABILITY OF DRUG FORMULARIES AND DRUG PRIOR AUTHORIZATION POLICIES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 543, transmitting S.C.R. No. 77, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 544, transmitting S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF DEPARTMENT OF TAXATION CONTRACTS," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 545, transmitting S.C.R. No. 91, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING AN INVESTIGATING COMMITTEE TO INVESTIGATE CONTESTED CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, AND TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 546, transmitting S.C.R. No. 108, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH A CONSISTENT FUNDING FORMULA, PROCESS, OR BOTH, BY WHICH

EQUITABLE FUNDING TO CHARTER SCHOOLS IS DETERMINED," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 547, transmitting S.C.R. No. 110, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 548, transmitting S.C.R. No. 120, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO IMPROVE THE SAFETY OF THE RESIDENTS OF ITS HOUSING PROJECTS AND EXPRESSING SUPPORT FOR THE AUTHORITY'S PLAN TO IMPLEMENT THE TENANT MONITOR PROGRAM," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 549, transmitting S.C.R. No. 122, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO CONVENE A HAWAII HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAII," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 550, transmitting S.C.R. No. 123, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF NATUROPATHIC MEDICINE TO ADOPT RULES CONSISTENT WITH ACT 22, SPECIAL SESSION LAWS OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM PARENTERAL THERAPY," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 551, transmitting S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL PUBLIC AND PRIVATE EMPLOYERS IN THIS STATE TO USE E-VERIFY TO CONFIRM EMPLOYEE WORKPLACE ELIGIBILITY," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 552, transmitting S.C.R. No. 138, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STATUS REPORT FROM THE HAWAIʻI CAPITAL CULTURAL COALITION," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 553, transmitting S.C.R. No. 141, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF SYSTEMS OR PLANS THAT MAY ACCOMMODATE THE DEPARTMENT OF EDUCATION'S NEED TO RETAIN, PROMOTE, AND COMPETITIVELY COMPENSATE PROFESSIONAL EMPLOYEES IN CERTAIN AREAS, WITHOUT REQUIRING THOSE EMPLOYEES TO ASSUME SUPERVISORY RESPONSIBILITIES, AND A STUDY OF THE ADVANTAGES AND DISADVANTAGES OF THE DEPARTMENT OF EDUCATION'S ADOPTION OF A SYSTEM SIMILAR TO THE UNIVERSITY OF HAWAII'S EXECUTIVE/MANAGEMENT SYSTEM," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 554, transmitting S.C.R. No. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH AND CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A CONSTRUCTION SAFETY AND HEALTH PROGRAM IN THE STATE," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 555, transmitting S.C.R. No. 146, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A HEALTH CARE REFORM TASK FORCE TO EVALUATE METHODS TO IMPROVE THE QUALITY, SAFETY, EFFICIENCY, AND COST OF HAWAII'S HEALTH CARE SYSTEM, TO REDUCE MEDICAL ERRORS AND INCREASE PATIENT SAFETY, TO SEEK SOLUTIONS TO ELIMINATE DOCTOR SHORTAGES, AND TO ADDRESS THE ROLE AND IMPACT OF THE LEGAL SYSTEM IN COMPENSATING VICTIMS INJURED BECAUSE OF MEDICAL ERRORS," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 556, transmitting S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 26, 2010, AS MESOTHELIOMA AWARENESS DAY," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 557, transmitting S.C.R. No. 151, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND AIRING OF PUBLIC SERVICE ANNOUNCEMENTS ON COMMERCIAL PASSENGER AIR FLIGHTS TO THE STATE ON THE IMPORTANCE OF CARING FOR THE STATE'S UNIQUE AND FRAGILE ECOSYSTEM," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 558, transmitting S.C.R. No. 167, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING TO EVALUATE THE NEED FOR AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 559, transmitting S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE HAWAII PAROLING AUTHORITY TO IDENTIFY UP TO FIVE HUNDRED NON-VIOLENT INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER, BE MONITORED VIA TWENTY-FOUR HOUR/SEVEN DAYS A WEEK GPS ELECTRONIC MONITORING, BE INCLUDED IN AN EXTENDED WORK FURLOUGH PROGRAM, AND/OR BE ELIGIBLE FOR AN EARLY RELEASE PROGRAM," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 560, transmitting S.C.R. No. 174, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE PACIFIC AVIATION MUSEUM-PEARL HARBOR AT FORD ISLAND AS THE STATE MUSEUM OF AEROSPACE HISTORY," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 561, transmitting S.C.R. No. 179, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION MANDATING THE SIZE AND EXTENT OF A MANAGED CARE PLAN'S SPECIALTY NETWORK," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 562, transmitting S.C.R. No. 186, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE DEVELOPMENT CAPACITY AND STEM INITIATIVES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 563, transmitting S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 564, transmitting S.C.R. No. 205, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO MAKE RECOMMENDATIONS REGARDING SIMPLIFICATION OF SPECIALTY LICENSE CLASSIFICATIONS FOR CONTRACTORS," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 565, transmitting S.C.R. No. 210, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE CREATION OF A HAWAII ALL-PAYER HEALTH CLAIMS DATABASE FOR THE

PURPOSE OF TRANSPARENT PUBLIC REPORTING OF HEALTH CARE INFORMATION," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 566, transmitting S.C.R. No. 211, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO EXAMINE OVERLAP AND CONFLICTS AMONG STATUTES RELATING TO PATIENT CARE DIRECTIVES RECOGNIZED IN HAWAII, INCLUDING PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT, "DO-NOT-RESUSCITATE" ORDERS, AND ADVANCE HEALTH CARE DIRECTIVES," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 567, transmitting S.C.R. No. 212, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE THE FEASIBILITY OF LOWERING THE AGE OF PHARMACY-ADMINISTERED VACCINATION RECIPIENTS TO NINE YEARS OLD," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 568, transmitting S.C.R. No. 223, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONVENE A WORKING GROUP TO REVISE AND UPDATE THE HAWAII LEGISLATIVE DRAFTING MANUAL," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 569, transmitting S.C.R. No. 224, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN UPDATE AND PRESENTATION ON THE STADIUM AUTHORITY'S EFFORTS TO TRANSFER THE RECREATIONAL USE RESTRICTION FROM THE STADIUM FACILITIES AND LANDS TO AN ALTERNATIVE STATE PARCEL," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 570, transmitting S.C.R. No. 233, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE ACTIVITIES SURROUNDING THE STATE'S PURCHASE OF AUCTION RATE SECURITIES AND TO TAKE LEGAL ACTION AS APPROPRIATE," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 571, transmitting S.C.R. No. 234, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ATTORNEY GENERAL TO INVESTIGATE WHETHER TRANSIENT ACCOMMODATIONS AND GENERAL EXCISE TAXES ON THE INTERNET SALE OF TRANSIENT ACCOMMODATIONS ARE BEING ASSESSED, COLLECTED, AND REMITTED TO THE STATE AND TO TAKE APPROPRIATE LEGAL ACTION, AS NECESSARY," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 572, transmitting S.C.R. No. 237, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO CONSIDER LEASING OR RENTING PUBLIC SCHOOL CAFETERIAS TO VALUE-ADDED FOOD PROCESSORS TO PROMOTE THE USE OF LOCALLY-GROWN FRESH PRODUCE IN SCHOOL MEALS," which was adopted by the Senate on April 9, 2010.

Sen. Com. No. 573, dated April 9, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 347, HD 2, SD 2	Tokuda, Chair; Taniguchi, Co-Chair; Kokubun, Takamine, Hemmings
H.B. No. 2084, HD 1, SD 1	Ige, Chair; Chun Oakland/Tsutsui, Co-Chairs; Hemmings
H.B. No. 2086, HD 2, SD 2	Ige, Chair; Taniguchi, Co-Chair; Baker, Slom
H.B. No. 2152, HD 1, SD 1	Ige, Chair; Tsutsui, Co-Chair; Chun Oakland
H.B. No. 2200, HD 1, SD 2	Kim, Chair; Chun Oakland, English, Fukunaga, Galuteria, Hee, Hooser, Kidani, Kokubun, Tokuda, Tsutsui, Hemmings
H.B. No. 2349, HD 1, SD 2	Ige, Chair; Taniguchi, Co-Chair; Green
H.B. No. 2461, HD 2, SD 2	Takamine, Chair; Chun Oakland/Ige/Kim, Co-Chairs; Taniguchi
H.B. No. 2575, HD 2, SD 2	Ige, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2661, HD 2, SD 2	Ige, Chair; Taniguchi, Co-Chair; Slom
H.B. No. 2688, HD 1, SD 2	Gabbard, Chair; Ige/Tsutsui, Co-Chairs
H.B. No. 2774, HD 2, SD 2	Chun Oakland, Chair; Ige/Tsutsui, Co-Chairs; Baker, Green

Sen. Com. No. 574, dated April 9, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bills:

H.B. No. 2561, SD 1	Senator(s) Tokuda added as Co-Chair(s).
H.B. No. 2598, HD 1, SD 2	Senator(s) Kokubun added as conferee(s).
S.B. No. 2395, SD 2, HD 1	Senator(s) Takamine discharged as conferee(s); Added as Co-Chair(s).
S.B. No. 2488, SD 2, HD 1	Senator(s) Green, Hee added as conferee(s).
S.B. No. 2494, SD 2, HD 2	Senator(s) Takamine discharged as conferee(s); Added as Co-Chair(s).
S.B. No. 2527, SD 2, HD 2	Senator(s) Bunda discharged as conferee(s). Senator(s) Takamine, Kokubun added as conferee(s).
S.B. No. 2650, SD 2, HD 2	Senator(s) Tsutsui discharged as Co-Chair(s). Senator(s) Kim added as Co-Chair(s).
S.B. No. 2951, SD 2, HD 2	Senator(s) Kokubun added as conferee(s).

Sen. Com. No. 575, dated April 10, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bills:

H.B. No. 1907, HD 1, SD 1	Senator(s) Kidani added as conferee(s).
H.B. No. 1985, SD 1	Senator(s) Kidani added as conferee(s).

At 12:14 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Manahan introduced his friend, Ms. Elisa Agpaoa who supports the programs of Catholic Charities.

Representative Mizuno introduced and recognized the members of FOCUSED, Protecting Hawaii's Ohana, Elderly and Disabled.

The Chair then introduced members of the Aloha Monarch Hawaii Festival hula group visiting from Fukuoka, Japan.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R. Nos.	Referred to:
6, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Education, then to the Committee on Finance
18, SD1	Committee on Legislative Management, then to the Committee on Finance
20, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Education, then to the Committee on Finance
42, SD2	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
50, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
51, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
52, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
53, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
54, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
55, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
56, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
57, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
58, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
59, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
69	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
70, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
71	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
73	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
77, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management
78, SD1	Committee on Finance
91, SD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance
100	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
108, SD2	Committee on Education, then to the Committee on Finance
110, SD2	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
120, SD2	Committee on Housing, then to the Committee on Finance
122, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance
123, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce
128	Committee on Labor & Public Employment, then to the Committee on Judiciary
138, SD1	Committee on Tourism, Culture, & International Affairs, then to the Committee on Judiciary
141, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
144, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
146, SD1	Committee on Health, then to the Committee on Legislative Management, then to the Committee on Judiciary
150	Committee on Health
151	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
155, SD1	Committee on Health, then to the Committee on Judiciary
157, SD1	Committee on Education, then to the Committee on Finance
167, SD2	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
172, SD1	Committee on Public Safety, then to the Committee on Finance

174, SD1	Jointly to the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Water, Land, & Ocean Resources
179, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
180, SD1	Committee on Public Safety, then to the Committee on Finance
183, SD1	Committee on Energy & Environmental Protection, then to the Committee on Legislative Management
186, SD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Education
190, SD1	Committee on Public Safety, then to the Committee on Finance
191, SD1	Committee on Public Safety, then to the Committee on Finance
192, SD1	Committee on Public Safety, then to the Committee on Finance
193, SD1	Committee on Economic Revitalization, Business, & Military Affairs
194	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
201	Committee on Labor & Public Employment, then to the Committee on Judiciary
205, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
210, SD2	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
211, SD1	Committee on Health, then to the Committee on Judiciary
212, SD2	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
223, SD1	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance
224, SD1	Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
227, SD1	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management
233, SD1	Committee on Judiciary, then to the Committee on Finance
234, SD1	Committee on Judiciary, then to the Committee on Finance
237, SD1	Jointly to the Committee on Education and the Committee on Agriculture, then to the Committee on Finance
239, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.B. Nos.	**Re-referred to:**
415, HD2, SD2	Committee on Public Safety, then to the Committee on Finance
865, HD1, SD1	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
921, HD1, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
979, HD1, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1015, HD1, SD2	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1554, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Hawaiian Affairs
1684, HD2, SD2	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Judiciary
1987, HD2, SD2	Committee on Public Safety, then to the Committee on Judiciary, then to the Committee on Finance
2056, HD1, SD1	Committee on Health, then to the Committee on Higher Education, then to the Committee on Consumer Protection & Commerce
2061, HD1, SD2	Committee on Human Services, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
2087, HD1, SD2	Jointly to the Committee on Health and the Committee on Human Services, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2288, HD1, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Water, Land, & Ocean Resources
2290, HD2, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2318, HD2, SD1	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2381, HD2, SD2	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Housing, then to the Committee on Finance

2690, SD2	Committee on Finance, then to the Committee on Judiciary, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Labor & Public Employment, then to the Committee on Legislative Management
2741, HD1, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2832, HD1, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
2923, HD2, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, Culture, & International Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

S.B. Nos.	**Re-referred to:**
1062, SD1, HD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1315, SD2, HD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Public Safety, then to the Committee on Finance
2116, SD2, HD2	Committee on Judiciary, then to the Committee on Education, then to the Committee on Finance
2124, SD2, HD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2378, SD2, HD1	Committee on Judiciary, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
2390, SD2, HD2	Committee on Health, then to the Committee on Higher Education, then to the Committee on Consumer Protection & Commerce
2395, SD2, HD1	Committee on Labor & Public Employment, then to the Committee on Finance
2400, SD1, HD1	Committee on Judiciary, then to the Committee on Finance
2493, SD2, HD1	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
2494, SD2, HD2	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2532, HD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then jointly to the Committee on Tourism, Culture, & International Affairs and the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture, then to the Committee on Finance
2570, SD1, HD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2571, SD2, HD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2643, SD1, HD1	Committee on Tourism, Culture, & International Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2807, SD2, HD2	Committee on Finance, then to the Committee on Judiciary
2883, SD1, HD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2885, SD2, HD1	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1352-10) recommending that S.B. No. 2121, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2121, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Har and Souki being excused.

At 12:19 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:31 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Berg, Bertram, Carroll, Ching, Har, Luke, Rhoads, Souki, Ward and Yamane were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Berg, Carroll, Har, Luke, Rhoads and Souki were excused.)

H.B. No. 134, HD 2, (SD 2)
H.B. No. 1927, HD 2, (SD 1)
H.B. No. 2197, HD 1, (SD 1)
H.B. No. 2546, (SD 1)
H.B. No. 2561, (SD 1)
H.B. No. 2568, (SD 1)

H.B. No. 134, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 134, HD 2, SD 2, entitled: "A BILL FOR AN

ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Final Reading by a vote of 46 ayes, with Representatives Berg, Carroll, Har, Luke and Souki being excused.

H.B. No. 1927, HD 2, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1927, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Final Reading by a vote of 46 ayes, with Representatives Berg, Carroll, Har, Luke and Souki being excused.

H.B. No. 2197, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2197, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 46 ayes, with Representatives Berg, Carroll, Har, Luke and Souki being excused.

H.B. No. 2546, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Final Reading by a vote of 46 ayes, with Representatives Berg, Carroll, Har, Luke and Souki being excused.

H.B. No. 2561, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Final Reading by a vote of 44 ayes to 2 noes, with Representatives Belatti and Hanohano voting no, and with Representatives Berg, Carroll, Har, Luke and Souki being excused.

H.B. No. 2568, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2568, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed Final Reading by a vote of 46 ayes, with Representatives Berg, Carroll, Har, Luke and Souki being excused.

At 1:34 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 134, HD 2, SD 2
H.B. No. 1927, HD 2, SD 1
H.B. No. 2197, HD 1, SD 1
H.B. No. 2546, SD 1
H.B. No. 2561, SD 1
H.B. No. 2568, SD 1

SUPPLEMENTAL CALENDAR #1

At this time, the Chair announced:

"Members, please note the 48-hour notice for the Conference Committee Reports listed."

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1907, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 2-10) recommending that H.B. No. 1907, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-10 and H.B. No. 1907, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2866, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 3-10) recommending that H.B. No. 2866, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3-10 and H.B. No. 2866, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representatives Morita, Tsuji and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2421, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 4-10) recommending that H.B. No. 2421, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-10 and H.B. No. 2421, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1985, SD 1, presented a report (Conf. Com. Rep. No. 5-10) recommending that H.B. No. 1985, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-10 and H.B. No. 1985, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and Brower, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2650, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 51-10) recommending that S.B. No. 2650, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-10 and S.B. No. 2650, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2405, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 52-10) recommending that S.B. No. 2405, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2402, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 53-10) recommending that S.B. No. 2402, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-10 and S.B. No. 2402, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

ORDINARY CALENDAR

ANNOUNCEMENTS

Representative Ward: "Thank you, Mr. Speaker. Mr. Speaker, I just wanted to acknowledge the great loss of the Polish people during the plane crash of last week when they lost their President, Deputy Prime Minster, their Head of the Federal Reserve, and many, many members of Parliament. Even the 'Rosa Parks' where at the Gdańsk Shipyard, they gave birth to democracy in Eastern Europe.

"So Mr. Speaker, I know it's not a moment of silence, but it's an international acknowledgement of what is a real loss for a country that's been a beacon of freedom, and a beacon of leading democracy in Eastern Europe. Thank you, Mr. Speaker."

Representative Cabanilla, for the Committee on Housing, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on April 14 in Room 325 at 9:10 a.m., and the Chair "so ordered."

SCR No. 93, which is regarding the review of the feasibility of developing single room occupancy dwellings on TOD project.

Representative Shimabukuro: "Thank you, Mr. Speaker. I just wanted to remind everyone that today is the last day to order your Naked Cow butter and cream cheese. We also have rolls and bagels. Please get your orders in by 2:00, and also pay by 2:00 today. Thank you."

ADJOURNMENT

At 1:36 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, April 13, 2010. (Representatives Carroll, Har, Luke and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 10, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2402, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Finnegan

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 347, HD 2, SD 2	Chang/Yamashita, Co-Chrs.; Pine
H.B. No. 415, HD 2, SD 2	Hanohano/Aquino, Co-Chrs.; Pine
H.B. No. 840, HD 1, SD 1	Karamatsu, Chr.; B. Oshiro, Thielen
H.B. No. 865, HD 1, SD 1	Souki/Ito/Awana, Co-Chrs.; Keith-Agaran, Pine
H.B. No. 921, HD 1, SD 2	Ito/Carroll/Har, Co-Chrs.; Thielen
H.B. No. 979, HD 1, SD 1	Ito/Morita/Har, Co-Chrs.; Ward
H.B. No. 1015, HD 1, SD 2	Carroll/Ito/M. Oshiro, Co-Chrs.; Har, Ward
H.B. No. 1019, HD 1, SD 1	Karamatsu, Chr.; Ito, Luke, Tsuji, Thielen
H.B. No. 1190, HD 1, SD 2	Souki/Karamatsu, Co-Chrs.; Awana, Saiki, Pine
H.B. No. 1212, HD 1, SD 1	Karamatsu, Chr.; Choy, Mizuno, Thielen
H.B. No. 1439, HD 1, SD 1	Herkes/Keith-Agaran, Co-Chrs.; Wakai, Marumoto
H.B. No. 1554, SD 1	Ito/Cabanilla/Carroll, Co-Chrs.; Har, Thielen
H.B. No. 1684, HD 2, SD 2	Tsuji/Morita/Souki/Karamatsu, Co-Chrs.; Wooley, Marumoto
H.B. No. 1808, HD 3, SD 1	Ito/Karamatsu/Har, Co-Chrs.; Souki, Yamashita, Thielen
H.B. No. 1818, HD 2, SD 2	Hanohano/Carroll/Aquino, Co-Chrs.; Awana, Shimabukuro, Ward
H.B. No. 1854, SD 2	Takumi/M. Lee, Co-Chrs.; Finnegan
H.B. No. 1862, HD 1, SD 1	Karamatsu, Chr.; Luke, Rhoads, Marumoto
H.B. No. 1863, HD 1, SD 1	Karamatsu, Chr.; Luke, Rhoads, Thielen
H.B. No. 1900, SD 1	McKelvey, Chr.; Takai, Ward
H.B. No. 1948, HD 1, SD 1	M. Oshiro, Chr.; Chong, M. Lee, Ward
H.B. No. 1978, HD 2, SD 2	Souki/Karamatsu, Co-Chrs.; Pine
H.B. No. 1987, HD 2, SD 2	Hanohano/Karamatsu/M. Lee, Co-Chrs.; Manahan, Thielen
H.B. No. 1992, HD 1, SD 1	Karamatsu, Chr.; Luke, Tsuji, Thielen
H.B. No. 2000, HD 2, SD 2	Karamatsu/M. Oshiro, Co-Chrs.; Thielen
H.B. No. 2003, HD 3, SD 2	Karamatsu/M. Oshiro, Co-Chrs.; Luke, B. Oshiro
H.B. No. 2016, SD 1	Hanohano, Chr.; Nakashima, Pine
H.B. No. 2020, HD 2, SD 2	Souki, Chr.; Nakashima, Pine
H.B. No. 2056, HD 1, SD 1	Yamane/Chang/Herkes, Co-Chrs.; Nakashima, Marumoto
H.B. No. 2061, HD 1, SD 2	Mizuno/McKelvey/Brower, Co-Chrs.; Belatti, Ward

H.B. No. 2077, HD 1, SD 1 — Takumi, Chr.; Berg, Ching

H.B. No. 2083, HD 1, SD 2 — Tsuji/Herkes/Karamatsu, Co-Chrs.; Yamane, Marumoto

H.B. No. 2084, HD 1, SD 1 — Yamane/M. Oshiro, Co-Chrs.; Nishimoto, Ward

H.B. No. 2085, HD 1, SD 2 — Yamane/Mizuno/M. Oshiro, Co-Chrs.; Shimabukuro, Finnegan

H.B. No. 2086, HD 2, SD 2 — Yamane/Karamatsu, Co-Chrs.; Belatti, Thielen

H.B. No. 2087, HD 1, SD 2 — Yamane/Mizuno/Herkes/Karamatsu/Nishimoto, Co-Chrs.; Thielen

H.B. No. 2129, HD 1, SD 1 — Karamatsu, Chr.; Aquino, Nakashima, Thielen

H.B. No. 2132, HD 1, SD 2 — Herkes/Karamatsu, Co-Chrs.; Wakai, Marumoto

H.B. No. 2152, HD 1, SD 1 — Yamane/Nishimoto, Co-Chrs.; Finnegan

H.B. No. 2157, HD 1, SD 1 — Mizuno/Yamane/Brower, Co-Chrs.; Bertram, Ward

H.B. No. 2239, SD 2 — Morita/Coffman, Co-Chrs.; Ching

H.B. No. 2266, HD 1, SD 1 — Hanohano/Aquino, Co-Chrs.; Pine

H.B. No. 2267, HD 1, SD 1 — Takumi/M. Lee, Co-Chrs.; Nakashima, Finnegan

H.B. No. 2283, HD 2, SD 1 — McKelvey/Choy, Co-Chrs.; Ward

H.B. No. 2288, HD 1, SD 2 — Herkes/Karamatsu/Ito, Co-Chrs.; Sagum, Marumoto

H.B. No. 2289, HD 2, SD 1 — McKelvey/Wakai, Co-Chrs.; Marumoto

H.B. No. 2290, HD 2, SD 1 — Tsuji/Ito/Karamatsu/M. Oshiro, Co-Chrs.; Marumoto

H.B. No. 2294, HD 2, SD 2 — Tsuji/M. Oshiro, Co-Chrs.; Wooley, Marumoto

H.B. No. 2297, HD 2, SD 2 — Souki/Karamatsu/Wakai, Co-Chrs.; Pine

H.B. No. 2306, HD 2, SD 3 — Takumi/Rhoads/M. Lee, Co-Chrs.

H.B. No. 2318, HD 2, SD 1 — Cabanilla/Ito/Yamane/Mizuno/Sagum, Co-Chrs.; Chong, Thielen

H.B. No. 2349, HD 1, SD 2 — Yamane/Karamatsu, Co-Chrs.; Belatti, Finnegan

H.B. No. 2351, SD 1 — McKelvey/Souki, Co-Chrs.; Takai, Pine

H.B. No. 2376, HD 3, SD 2 — Takumi, Karamatsu, M. Oshiro, Co-Chrs.; Berg, M. Lee, Nakashima, Finnegan

H.B. No. 2377, HD 3, SD 2 — Takumi, Karamatsu, M. Oshiro, Co-Chrs.; Berg, M. Lee, Nakashima, Ching

H.B. No. 2381, HD 2, SD 2 — McKelvey/Cabanilla/Choy, Co-Chrs.; Har, Thielen

H.B. No. 2383, HD 1, SD 2 — McKelvey/Karamatsu, Co-Chrs.; Har, Ward

H.B. No. 2397, HD 1, SD 1 — Karamatsu, Chr.; B. Oshiro, Thielen

H.B. No. 2409, HD 2, SD 1 — Tsuji/Ito/M. Oshiro, Co-Chrs.; Marumoto

H.B. No. 2441, HD 2, SD 2 — McKelvey/Choy, Co-Chrs.; Wakai, Ward

H.B. No. 2450, HD 1, SD 2 — Morita/Ito/Tsuji, Co-Chrs.

H.B. No. 2461, HD 2, SD 2 — Yamane/Mizuno/Rhoads/Herkes/Nishimoto, Co-Chrs.; Bertram, Finnegan

H.B. No. 2486, HD 2, SD 2 — Takumi/Rhoads/M. Oshiro, Co-Chrs.; Berg, Nakashima, Finnegan

H.B. No. 2497, SD 1 — Morita/Coffman, Co-Chrs.; Ching

H.B. No. 2503, HD 1, SD 2 — Tsuji/Wooley, Co-Chrs.; Marumoto

H.B. No. 2505, HD 1, SD 1 — M. Oshiro, Chr.; Chong, Yamashita, Ward

H.B. No. 2533, HD 1, SD 2 — Rhoads/M. Oshiro, Co-Chrs.; Yamashita, Pine

H.B. No. 2548, HD 1, SD 1 — Herkes/Karamatsu, Co-Chrs.; Souki, Marumoto

H.B. No. 2575, HD 2, SD 2 — Yamane/Karamatsu, Co-Chrs.; Belatti, Finnegan

H.B. No. 2582, SD 2 — Ito/Har, Co-Chrs.; Tokioka, Thielen

H.B. No. 2583, SD 2 — Ito/Karamatsu/Har, Co-Chrs.; Souki, Tokioka, Thielen

H.B. No. 2598, HD 1, SD 2 — M. Oshiro, Chr.; Chong, Choy, M. Lee, Manahan, Ward

H.B. No. 2604, HD 2, SD 2 — Souki/Awana, Co-Chrs.; Pine

H.B. No. 2631, HD 2, SD 2 — Morita/Herkes/Karamatsu/Coffman, Co-Chrs.; Ching

H.B. No. 2644, HD 2, SD 2 — Morita/Coffman, Co-Chrs.; Tokioka, Ching

H.B. No. 2661, HD 2, SD 2 — Yamane/Karamatsu, Co-Chrs.; Belatti, Finnegan

H.B. No. 2670, HD 1, SD 1 — Chang/M. Oshiro, Co-Chrs.; M. Lee, Nakashima, Pine

H.B. No. 2676, HD 1, SD 1 — Carroll/McKelvey/Keith-Agaran, Co-Chrs.; C. Lee, Shimabukuro, Ward

H.B. No. 2688, HD 1, SD 2	Yamane/M. Oshiro, Co-Chrs.; Nishimoto, Finnegan
H.B. No. 2692, HD 1, SD 1	Hanohano/Aquino, Co-Chrs.; Awana, Herkes, Pine
H.B. No. 2698, HD 2, SD 2	McKelvey/Wakai/Yamashita, Co-Chrs.; Ward
H.B. No. 2708, HD 1, SD 1	Souki/Awana, Co-Chrs.; Aquino, Pine
H.B. No. 2721, HD 1, SD 1	Karamatsu, Chr.; Souki, Tsuji, Thielen
H.B. No. 2724, HD 1, SD 1	Karamatsu, Chr.; Nakashima, Souki, Thielen
H.B. No. 2725, HD 1, SD 1	Karamatsu, Chr.; Nakashima, Souki, Thielen
H.B. No. 2741, HD 1, SD 2	Ito/Har, Co-Chrs.; Coffman, Tokioka, Ward
H.B. No. 2774, HD 2, SD 2	Mizuno/Yamane/M. Oshiro, Co-Chrs.; Chong, Ward
H.B. No. 2775, HD 2, SD 2	Tsuji/Wooley, Co-Chrs.; Chong, Marumoto
H.B. No. 2783, HD 2, SD 2	Manahan/Wakai/Tokioka, Co-Chrs.; Choy, Marumoto
H.B. No. 2784, HD 1, SD 1	Karamatsu/Keith-Agaran, Co-Chrs.; Souki, Tsuji, Thielen
H.B. No. 2832, HD 1, SD 2	Tsuji/Ito/Carroll/M. Oshiro, Co-Chrs.; Nakashima, Sagum, Wooley, Finnegan
H.B. No. 2845, HD 1, SD 1	Ito/Cabanilla/Har, Co-Chrs.; Chong, Thielen
H.B. No. 2897, HD 1, SD 1	Rhoads/Herkes/Karamatsu, Co-Chrs.; Souki, Pine
H.B. No. 2919, HD 1, SD 2	Rhoads/Yamashita, Co-Chrs.; Pine
H.B. No. 2923, HD 2, SD 2	Ito/Manahan/Carroll/Har, Co-Chrs.; Chang, Thielen

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 107, HD 2	Souki/Karamatsu, Co-Chrs.; Awana, Saiki, Pine
S.B. No. 358, SD 1, HD 2	Hanohano/Karamatsu, Co-Chrs.; Ito, Luke, Pine
S.B. No. 466, SD 2, HD 1	Morita/Karamatsu, Co-Chrs.; Nishimoto, Thielen
S.B. No. 506, SD 1, HD 3	McKelvey/Herkes/Choy, Co-Chrs.; Souki, Ward
S.B. No. 633, SD 1, HD 2	Ito/Tsuji/Carroll, Co-Chrs.; Har, Thielen
S.B. No. 898, SD 2, HD 1	Hanohano/Karamatsu, Co-Chrs.; Bertram, Herkes, Pine
S.B. No. 910, SD 1, HD 2	Cabanilla/Karamatsu/Sagum, Co-Chrs.; Chong, Thielen
S.B. No. 930, HD 2	Yamane/Karamatsu/Nishimoto, Co-Chrs.; Belatti, Finnegan
S.B. No. 950, SD 2, HD 3	Hanohano/Ito/Karamatsu/Aquino, Co-Chrs.; Souki, Pine
S.B. No. 1059, SD 2, HD 3	Hanohano/Souki/Karamatsu, Co-Chrs.; M. Lee, Manahan, B. Oshiro, Pine
S.B. No. 1062, SD 1, HD 1	Rhoads/McKelvey/Herkes/Yamashita, Co-Chrs.; Pine
S.B. No. 1105, SD 2, HD 1	Tokioka/Keith-Agaran, Co-Chrs.; Evans, Pine
S.B. No. 1178, SD 2, HD 2	Yamane/M. Oshiro, Co-Chrs.; Finnegan
S.B. No. 1315, SD 2, HD 2	Ito/Hanohano/Har, Co-Chrs.; Aquino, Sagum, Thielen
S.B. No. 2019, SD 1, HD 2	Ito/Har, Co-Chrs.; Sagum, Thielen
S.B. No. 2020, HD 2	McKelvey/Karamatsu, Co-Chrs.; Ward
S.B. No. 2045, SD 1, HD 1	Karamatsu, Chr.; Belatti, Luke, Souki, Tsuji, Pine
S.B. No. 2054, SD 2, HD 1	Hanohano/Aquino, Co-Chrs.; Awana, Herkes, Pine
S.B. No. 2068, SD 2, HD 1	Takumi/M. Lee, Co-Chrs.; Berg, Ching
S.B. No. 2105, SD 2, HD 1	Souki/Yamane/Awana, Co-Chrs.; Pine
S.B. No. 2109, SD 2, HD 1	M. Oshiro, Chr.; Cabanilla, Chong, Sagum, Finnegan
S.B. No. 2115, SD 1, HD 2	Takumi/Chang/M. Lee, Co-Chrs.; Ching
S.B. No. 2116, SD 2, HD 2	Karamatsu/Takumi/Tokioka, Co-Chrs.; Thielen
S.B. No. 2124, SD 2, HD 1	Takumi/Rhoads/Herkes/M. Oshiro, Co-Chrs.; Nakashima, Finnegan
S.B. No. 2139, SD 2, HD 2	McKelvey/Choy, Co-Chrs.; Takai, Ward
S.B. No. 2144, SD 2, HD 2	McKelvey/M. Oshiro, Co-Chrs.; Chong, Choy, Yamashita, Ward
S.B. No. 2150, HD 1	Karamatsu/Keith-Agaran, Co-Chrs.; Souki, Thielen
S.B. No. 2154, SD 1, HD 1	Karamatsu, Chr.; Souki, Tsuji, Thielen

S.B. No. 2163, SD 2, HD 1 — Yamane/Herkes, Co-Chrs.; M. Lee, Nishimoto, Finnegan

S.B. No. 2165, SD 1, HD 2 — Herkes/Keith-Agaran, Co-Chrs.; Wakai, Marumoto

S.B. No. 2172, SD 2, HD 1 — Takumi/C. Lee, Co-Chrs.; Marumoto

S.B. No. 2173, SD 1, HD 1 — M. Oshiro, Chr.; M. Lee, Ward

S.B. No. 2187, SD 1, HD 2 — Manahan/Tokioka, Co-Chrs.; Marumoto

S.B. No. 2220, SD 1, HD 2 — Herkes/Keith-Agaran, Co-Chrs.; Wakai, Marumoto

S.B. No. 2231, SD 1, HD 2 — Morita/Coffman, Co-Chrs.; Ching

S.B. No. 2256, SD 1, HD 1 — Takumi/M. Lee, Co-Chrs.; Saiki, Ching

S.B. No. 2257, SD 2, HD 1 — Takumi/Chang/Choy, Co-Chrs.; Ching

S.B. No. 2323, HD 2 — Rhoads/McKelvey/Yamashita, Co-Chrs.; Pine

S.B. No. 2324, SD 2, HD 2 — Rhoads/M. Oshiro, Co-Chrs.; Nakashima, Yamashita, Ward

S.B. No. 2371, SD 2, HD 1 — Yamane/Herkes, Co-Chrs.; Nishimoto, Wakai, Marumoto

S.B. No. 2378, SD 2, HD 1 — Karamatsu/Carroll/M. Oshiro, Co-Chrs.; Ito, Thielen

S.B. No. 2385, SD 1, HD 1 — Chang/M. Lee, Co-Chrs.; Aquino, C. Lee, Pine

S.B. No. 2386, HD 1 — Chang/M. Oshiro, Co-Chrs.; Aquino, Yamashita, Pine

S.B. No. 2390, SD 2, HD 2 — Yamane/Chang/Herkes, Co-Chrs.; Nakashima, Tsuji, Marumoto

S.B. No. 2395, SD 2, HD 1 — Rhoads/M. Oshiro, Co-Chrs.; Aquino, M. Lee, Nakashima, Yamashita, Finnegan

S.B. No. 2399, SD 1, HD 1 — Herkes/Keith-Agaran, Co-Chrs.; Chang, Wakai, Marumoto

S.B. No. 2400, SD 1, HD 1 — Karamatsu/M. Oshiro, Co-Chrs.; Finnegan

S.B. No. 2402, SD 1, HD 1 — M. Oshiro, Chr.; Chong, Choy, M. Lee, Finnegan

S.B. No. 2408, SD 2, HD 1 — Ito/Cabanilla, Co-Chrs.; Chong, Har, Tokioka, Thielen

S.B. No. 2409, HD 3 — McKelvey/Ito/Karamatsu, Co-Chrs.; Carroll, Ward

S.B. No. 2434, SD 1, HD 1 — Takumi/Rhoads/M. Lee, Co-Chrs.

S.B. No. 2441, SD 2, HD 2 — Ito/Karamatsu, Co-Chrs.; Choy, C. Lee, Thielen

S.B. No. 2449, HD 1 — Souki/Karamatsu, Co-Chrs.; Awana, Saiki, Pine

S.B. No. 2452, SD 2, HD 2 — Takumi/M. Oshiro, Co-Chrs.; Nakashima, Tokioka, Ching

S.B. No. 2454, SD 2, HD 1 — Karamatsu/Keith-Agaran, Co-Chrs.; Souki, Thielen

S.B. No. 2461, SD 2, HD 2 — Souki/M. Oshiro, Co-Chrs.; Awana, Yamashita, Finnegan

S.B. No. 2469, SD 2, HD 2 — Mizuno/Yamane/M. Oshiro, Co-Chrs.; M. Lee, Shimabukuro, Ward

S.B. No. 2472, SD 2, HD 1 — Herkes/Karamatsu, Co-Chrs.; Souki, Wakai, Marumoto

S.B. No. 2473, SD 1, HD 2 — Cabanilla/Sagum, Co-Chrs.; Chong, Ching

S.B. No. 2488, SD 2, HD 1 — Morita/Herkes, Co-Chrs.; Wakai, Wooley, Ching

S.B. No. 2491, SD 2, HD 1 — Yamane/Wakai/Karamatsu, Co-Chrs.; Nishimoto, Souki, Finnegan

S.B. No. 2493, SD 2, HD 1 — Yamane/Chang/M. Oshiro, Co-Chrs.; Nakashima, Finnegan

S.B. No. 2494, SD 2, HD 2 — Yamane/Rhoads/Herkes/M. Oshiro, Co-Chrs.; Bertram, M. Lee, Marumoto

S.B. No. 2502, SD 1, HD 1 — Hanohano/Aquino, Co-Chrs.; Evans, Pine

S.B. No. 2523, SD 2, HD 2 — Tsuji/M. Oshiro, Co-Chrs.; Wooley, Marumoto

S.B. No. 2527, SD 2, HD 2 — Tsuji/M. Oshiro, Co-Chrs.; Wooley, Marumoto

S.B. No. 2532, HD 1 — Ito/Morita/Manahan/McKelvey/Tsuji/Har, Co-Chrs.; Chong, Thielen

S.B. No. 2533, SD 1, HD 1 — Hanohano/Tokioka/Aquino, Co-Chrs.; Ward

S.B. No. 2534, SD 2, HD 1 — Karamatsu/Keith-Agaran, Co-Chrs.; Aquino, Souki, Thielen

S.B. No. 2545, SD 2, HD 2 — McKelvey/Wakai/Karamatsu, Co-Chrs.; Ward

S.B. No. 2547, SD 1, HD 1 — Ito, Chr.; Har, Sagum, Thielen

S.B. No. 2548, SD 2, HD 1 — McKelvey/Choy, Co-Chrs.; Yamashita, Ward

S.B. No. 2563, SD 1, HD 2 — Morita/Coffman, Co-Chrs.; Choy, Ching

S.B. No. 2565, SD 1, HD 1 — Rhoads/Karamatsu, Co-Chrs.; Luke, Yamashita, Pine

S.B. No. 2566, HD 2 — Rhoads/Herkes/Yamashita, Co-Chrs.; Tokioka, Pine

S.B. No. 2570, SD 1, HD 2 — Takumi/Karamatsu/M. Oshiro, Co-Chrs.; Berg, M. Lee, Nakashima, Ward

S.B. No. 2571, SD 2, HD 2 — Takumi/Karamatsu/M. Oshiro, Co-Chrs.; Berg, M. Lee, Nakashima, Ward

S.B. No. 2578, SD 1, HD 1 — M. Oshiro, Chr.; Cabanilla, Chong, Sagum, Ward

S.B. No. 2589, SD 2, HD 1 — Takumi/M. Oshiro, Co-Chrs.; Nakashima, Yamashita, Finnegan

S.B. No. 2593, SD 1, HD 2 — Cabanilla/Sagum, Co-Chrs.; Chong, Ching

S.B. No. 2597, HD 1 — Rhoads/Herkes/Karamatsu, Co-Chrs.; Pine

S.B. No. 2599, SD 2, HD 2 — Yamane/Herkes/M. Oshiro, Co-Chrs.; M. Lee, Marumoto

S.B. No. 2600, SD 2, HD 2 — Yamane/Herkes/M. Oshiro, Co-Chrs.; M. Lee, Finnegan

S.B. No. 2601, SD 1, HD 2 — Manahan/Wakai/Tokioka, Co-Chrs.; Chang, Marumoto

S.B. No. 2603, SD 2, HD 2 — Herkes/Karamatsu/Keith-Agaran, Co-Chrs.; C. Lee, Tokioka, Marumoto

S.B. No. 2607, SD 2, HD 1 — Manahan/Wakai/Karamatsu, Co-Chrs.; C. Lee, Tokioka, Marumoto

S.B. No. 2610, HD 1 — Ito/Har, Co-Chrs.; Thielen

S.B. No. 2611, SD 2, HD 2 — Yamane/Nishimoto, Co-Chrs.; Finnegan

S.B. No. 2643, SD 1, HD 1 — Manahan/Wakai/Tokioka, Co-Chrs.; Choy, Finnegan

S.B. No. 2646, SD 1, HD 2 — McKelvey/Manahan/Ito, Co-Chrs.; M. Oshiro, Ward

S.B. No. 2661, SD 2, HD 2 — Karamatsu/M. Oshiro, Co-Chrs.; Thielen

S.B. No. 2685, SD 1, HD 1 — M. Oshiro, Chr.; M. Lee, Ward

S.B. No. 2691, SD 1, HD 1 — Rhoads/M. Lee, Co-Chrs.; Yamashita, Pine

S.B. No. 2697, SD 1, HD 1 — Herkes/Karamatsu, Co-Chrs.; Wakai, Marumoto

S.B. No. 2701, SD 1, HD 1 — Herkes/Karamatsu, Co-Chrs.; Souki, Wakai, Marumoto

S.B. No. 2702, SD 2, HD 1 — Hanohano/Aquino, Co-Chrs.; Awana, Shimabukuro, Pine

S.B. No. 2709, SD 1, HD 3 — Takumi/Morita/Nishimoto, Co-Chrs.; Ching

S.B. No. 2716, SD 2, HD 2 — Mizuno/Karamatsu/M. Oshiro, Co-Chrs.; Brower, Ward

S.B. No. 2726, SD 2, HD 2 — Yamane/Karamatsu, Co-Chrs.; Nishimoto, M. Oshiro, Souki, Finnegan

S.B. No. 2729, SD 2, HD 1 — Yamane/Nishimoto, Co-Chrs.; Finnegan

S.B. No. 2745, SD 2, HD 1 — Yamane/Karamatsu, Co-Chrs.; Belatti, Marumoto

S.B. No. 2770, SD 1, HD 2 — Yamane/Herkes, Co-Chrs.; Tokioka, Finnegan

S.B. No. 2775, SD 1, HD 2 — McKelvey/Wakai/Karamatsu, Co-Chrs.; Chang, Ward

S.B. No. 2803, SD 1, HD 1 — Nakashima, Chr.; Manahan, Yamane, Pine

S.B. No. 2806, SD 2, HD 1 — M. Oshiro, Chr.; Chong, Rhoads, Finnegan

S.B. No. 2807, SD 2, HD 2 — M. Oshiro/Karamatsu, Co-Chrs.; Chong, Rhoads, Thielen

S.B. No. 2809, SD 2, HD 1 — Herkes/Keith-Agaran, Co-Chrs.; Marumoto

S.B. No. 2811, SD 2, HD 2 — Yamane/Herkes, Co-Chrs.; Nishimoto, Wakai, Marumoto

S.B. No. 2817, SD 1, HD 1 — Morita/Cabanilla/Karamatsu, Co-Chrs.; Ching

S.B. No. 2825, SD 1, HD 1 — M. Oshiro, Chr.; Choy, Finnegan

S.B. No. 2828, SD 1, HD 3 — Takumi/Ito/M. Oshiro, Co-Chrs.; Har, Nakashima, Pine

S.B. No. 2831, SD 1, HD 1 — McKelvey/Choy, Co-Chrs.; Ward

S.B. No. 2840, SD 2, HD 1 — McKelvey/Rhoads/Choy, Co-Chrs.; Ward

S.B. No. 2842, SD 2, HD 1 — Herkes/Choy, Co-Chrs.; Aquino, Wakai, Marumoto

S.B. No. 2859, SD 2, HD 1 — Herkes/Karamatsu, Co-Chrs.; McKelvey, Souki, Marumoto

S.B. No. 2863, SD 2, HD 2 — Souki/Karamatsu/Awana, Co-Chrs.; Saiki, Pine

S.B. No. 2883, SD 1, HD 2 — Rhoads/Karamatsu/M. Oshiro, Co-Chrs.; Yamashita, Pine

S.B. No. 2885, SD 2, HD 1 — Yamane/Rhoads/Nishimoto, Co-Chrs.; C. Lee, M. Lee, Finnegan

S.B. No. 2897, SD 2, HD 3 — Souki/Karamatsu/Awana, Co-Chrs.; Har, B. Oshiro, Pine

S.B. No. 2898, SD 1, HD 1 — Yamane/Wakai, Co-Chrs.; M. Lee, Finnegan

S.B. No. 2903, SD 2, HD 1 — Chang/Takumi/Carroll/M. Oshiro, Co-Chrs.; Tsuji, Ching

S.B. No. 2919, SD 1, HD 1 — Yamane/Hanohano/Nishimoto, Co-Chrs.; Ito, Finnegan

S.B. No. 2937, SD 1, HD 1 — Karamatsu, Chr.; Belatti, B. Oshiro, Thielen

S.B. No. 2942, SD 2, HD 2 — Souki/Ito/M. Oshiro, Co-Chrs.; Pine

S.B. No. 2951, SD 2, HD 2 — Ito/Tsuji/Har, Co-Chrs.; Choy, Marumoto

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 2690, SD 2 — M. Oshiro/Karamatsu/McKelvey/Manahan/Rhoads/ Tokioka, Co-Chrs.

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 2003, HD 3, SD 2 — Added Representative Marumoto as a member.

H.B. No. 2450, HD 1, SD 2 — Added Representative Thielen as a member.

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2020, HD 2, SD 2 — Added Representatives Souki and Karamatsu as Co-Chairs.

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 1178, SD 2, HD 2 — Discharged Representatives Yamane, M. Oshiro Co-Chairs; Finnegan

House Communication dated April 12, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day, agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 134, HD 2, SD 2
H.B. No. 1927, HD 2, SD 1
H.B. No. 2197, HD 1, SD 1
H.B. No. 2546, SD 1
H.B. No. 2561, SD 1
H.B. No. 2568, SD 1

OTHER COMMUNICATIONS

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

April 12, 2010

MEMORANDUM

TO: ALL SENATORS
ALL REPRESENTATIVES

FROM: COLLEEN HANABUSA /s/, SENATE PRESIDENT
CALVIN K.Y. SAY /s/, SPEAKER OF THE HOUSE

RE: WAIVER OF DISAGREE DEADLINE

This memo is to inform you that we have agreed to waive the deadline to disagree to changes made to a bill by a non-originating chamber, which in accordance to the 2010 Joint Legislative Timetable was Thursday, April 8, 2010. This waiver will apply to one bill only, S.B. No. 2346, S.D. 1, H.D. 1., [*sic*] which has not been acted upon by the Senate since its return from the House on April 8, 2010.

C: Senate Chief Clerk
House Chief Clerk
House Sergeant at Arms
House Majority Staff Office
House Minority Research Office"

FORTY-EIGHTH DAY

Tuesday, April 13, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Tom Brower, after which the Roll was called showing all Members present with the exception of Representatives Awana, Ching, Finnegan, Har, M. Oshiro, Pine, Souki, Thielen and Ward, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 225 through 228) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 225, informing the House that on April 12, 2010, the following bill was signed into law:

S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES." (ACT 014)

Gov. Msg. No. 226, informing the House that on April 12, 2010, the following bill was signed into law:

S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 015)

Gov. Msg. No. 227, informing the House that on April 12, 2010, the following bill was signed into law:

S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 016)

Gov. Msg. No. 228, informing the House that on April 12, 2010, the following bill was signed into law:

S.B. No. 2676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION." (ACT 017)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 576 and 577) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 576, dated April 12, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2003, HD 3, SD 2	Taniguchi, Chair; Nishihara, Takamine
H.B. No. 2306, HD 2, SD 3	Sakamoto, Chair; Tsutsui/Takamine, Co-Chairs
H.B. No. 2450, HD 1, SD 2	Gabbard, Chair; English/Hee, Co-Chairs; Hooser, Slom

Sen. Com. No. 577, dated April 12, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bills:

H.B. No. 415, HD 2, SD 2	Senator(s) Kokubun added as conferee(s).
S.B. No. 2533, SD 1, HD 1	Senator(s) Kokubun added as conferee(s).
S.B. No. 2863, SD 2, HD 2	Senator(s) Taniguchi added as Co-Chair(s).

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Chang introduced students, teachers and administrators supporting the Hawaiian Language Building at the University of Hawaii at Hilo:

Dr. Kalena Silva, Director, College of Hawaiian Language, UH Hilo;
Kaua and Kamuela Neuman, and Koleka Haia, students at the College of Hawaiian Language, UH Hilo;
Mr. Gerald DeMello, Director of University Relations, UH Hilo;
Kamaha'ililani Waia'u, teacher, Ke Kula 'O Samuel M. Kamakau School;
Mr. Shawn Kana'iaupuni, Director, Public Education Support, Kamehameha Schools;
Mr. Walter Kahumoku, Director, Professional Development, Kamehameha Schools;
Mr. Colin Kippen, Executive Director, Native Hawaiian Education Council; and
The teachers and students of Punana Leo Preschools of Honolulu and Kawaiaha'o Church.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Awana, Finnegan, Har, M. Oshiro, Pine, Souki and Ward were excused.)

THIRD READING

S.B. No. 2121:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2121, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Finnegan, Har, M. Oshiro, Pine, Souki and Ward being excused.

At 12:13 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2121

ADJOURNMENT

At 12:13 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 14, 2010. (Representatives Awana, Har, M. Oshiro, Souki and Ward were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 13, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2346, SD 1, HD 1	Takumi/Rhoads, Co-Chrs.; Ching

House Communication dated April 13, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2061, HD 1, SD 2	Added Representative Evans as a member.

House Communication dated April 13, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 2085, HD 1, SD 2	Discharged Representatives Yamane, Mizuno, M. Oshiro, Co-Chairs; Shimabukuro, Finnegan
H.B. No. 2086, HD 2, SD 2	Discharged Representatives Yamane, Karamatsu, Co-Chairs; Belatti, Thielen

FORTY-NINTH DAY

Wednesday, April 14, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:10 o'clock p.m., with Vice Speaker Magaoay presiding.

Representative Cabanilla introduced Father Mike Dalton of Our Lady of Immaculate Concepcion, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Har, Herkes and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 229 through 231) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 229, informing the House that on April 13, 2010, the following bill was signed into law:

S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW." (ACT 018)

Gov. Msg. No. 230, informing the House that on April 13, 2010, the following bill was signed into law:

S.B. No. 2340, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL." (ACT 019)

Gov. Msg. No. 231, informing the House that on April 13, 2010, the following bill was signed into law:

S.B. No. 2201, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES." (ACT 020)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 578 and 579) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 578, transmitting H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN," which was adopted by the Senate on April 13, 2010.

Sen. Com. No. 579, dated April 13, 2010, informing the House that Senate has disagreed to the amendments proposed by the House to the following Senate Bill, and has requested a conference on the subject matter thereof, in consequence of which the President has this day appointed as Conferees on the part of the Senate for the consideration of said amendment:

S.B. No. 2346 SD 1, HD 1	Sakamoto, Chair; Kidani, Hemmings

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Rhoads introduced his constituent, Mr. Kevin Mulligan.

Representative Mizuno introduced Mr. Carson Wilberts with the Department of Human Services.

At 12:16 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m., with the Speaker presiding.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R. Nos.	Re-referred to:
103, SD1	Committee on Finance
107, SD1	Committee on Education
108, SD2	Committee on Education
110, SD2	Committee on Finance
140, SD1	Committee on Education
167, SD2	Committee on Finance
179, SD2	Committee on Finance
194	Committee on Legislative Management
195, SD1	Committee on Education
202, SD1	Committee on Economic Revitalization, Business, & Military Affairs

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, at this time we are on page 2 of the Order of the Day. Before going on to the Order of the Day, the Chair would like to recommend that for Conference Committee Report No. 2-10, HB No. 1907, HD 1, SD 1, CD 1, we will deliberate this measure at the end of the calendar.

"On page 3, Conference Committee Report No. 52-10, SB No. 2405, SD 2, HD 1, CD 1, deferred to April 19.

"And finally, Conference Committee Report No. 53-10, SB No. 2402, SD 1, HD 1, CD 1, this measure will be recommitted. So at this time, the Chair will be taking Conference Committee Report No. 53-10 out of order."

Conf. Com. Rep. No. 2-10 and H.B. No. 1907, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Monday, April 19, 2010.

Conf. Com. Rep. No. 53-10 and S.B. No. 2402, SD 1, HD 1, CD 1:

Representative B. Oshiro moved to recommit Conf. Com. No. 53-10 and the attached proposed CD 1, on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2402, SD 1, HD 1, to the Committee on Conference, seconded by Representative Evans.

Representative Ward rose to speak in support of the motion to recommit, stating:

"Mr. Speaker, I stand in favor of the motion. It's an excellent motion and I think some jobs may not be killed because of this. I hope it gets recommitted for a long, long time. Thank you."

The motion was put to vote by the Chair and carried, and Conf. Com. Rep. No. 53-10 and the attached proposed CD 1, on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2402, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were recommitted to the Committee on Conference, with Representatives Carroll, Har, Herkes, Marumoto, Souki and Takumi being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills and Senate Bills for Final Reading by consent calendar. (Representatives Har, Herkes, Marumoto, Souki and Takumi were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 3-10 and H.B. No. 2866, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2866, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2866, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Finnegan and Pine voting no, and with Representatives Har, Herkes and Souki being excused.

Conf. Com. Rep. No. 4-10 and H.B. No. 2421, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2421, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker. Conf. Com. Rep. No. 4. That's the barrel tax, right? Mr. Speaker, I rise in opposition. Mr. Speaker, this has changed slightly. It's still job killer number one as it was when it first came in, even though now 60% of the funds go into the general fund, so it's a bit of a misnomer to call it a food and security bill.

"But Mr. Speaker, I would draw your and the Members' attention to the Republican balanced budget that was sent to everyone. If they looked in their email box it would show that the budget can be balanced without this and all the other 15 job killers, or the 1% GET tax. And if you challenge the logic of that, we've actually given an Excel spreadsheet by which you can click on and keep changing the ending balance.

"I hope an ongoing dialogue, particularly the Finance Committee members and the Chair will allow us to pick and choose very wisely, not just surgically, but laser-guided cuts to our budget, additions to our budget, knowing that this one will be superfluous, Mr. Speaker. So I ask everybody to have a real look at that Republican Balanced Budget and give us feedback. Thank you."

Representative Thielen rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"I am voting against HB 2421, the "barrel tax," because it gives 60% of the increase to the general fund, with only 10% going to the Energy Systems Development Special Fund and 15% to the Energy Security Special Fund. Real leadership requires us to adequately fund Hawaii's renewable energy future and actually provide the financial means to implement the goals of the Hawaii Clean Energy Initiative. The HCEI calls for Hawaii to use 70% clean energy by 2030, weaning us off our addictive 90% dependence on imported fossil fuel to power our Islands. Bold steps are needed to accomplish this goal. The 'baby steps' funded by HB 2421 are unacceptable.

"Mr. Speaker, I devoted over 20 years in my legal practice to environmental law. I have been one of the Legislature's strongest advocates for renewable energy, and particularly for the emerging technology which taps Hawaii's powerful, constant and clean ocean waves. We need vision and leadership to create the environment which welcomes new renewable energy companies and their attendant good-paying jobs. 'Baby steps' don't accomplish this. 'Baby steps' simply keep the program on 'life support.' In contrast, countries which really show commitment to renewable energy are putting funding behind their efforts.

"Hawaii's lack of energy security mandated that we do more. As the most oil dependent state in the nation, the one which imports from foreign nations, many of which are unstable, and the one that exports $7 billion a year from our economy for this polluting product, we should have stood firm and voted for all of the new barrel tax to be allocated to implement Hawaii's renewable energy future. As noted by Robert Harris, Director of the Sierra Club, Hawaii Chapter as reported by Associated Press, in Forbes.com: "The proposal creates a new stream of money for renewable energy, but in relatively small amounts that won't do much to make Hawaii self-sustaining and less dependent on foreign oil. The bill isn't primarily accomplishing those goals."

"Mr. Speaker, I am sorely disappointed in this Body. The public expected and deserved more from us."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 2421 HD2 SD1 which removes language suspending tax when the balance of Environmental Response Revolving Fund balance hits $20 million, expends the scope of the Energy Security Special Fund, and increases the Barrel Tax from 5 cents to $1.05 with certain specified allocations.

"As my record shows, I have always been a stalwart of agricultural and alternative energy initiatives. While I support the establishment of a task force with DBEDT to facilitate the accelerated adoption and completion of renewable-energy projects and programs, I cannot support a barrel tax increase, as such a tax will affect businesses, food, and ultimately every aspect of society. This is not the right time to implement taxes that so direly affect our citizens, as many are already suffering from our State's economic crisis. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Just in opposition, Mr. Speaker. When I first started this Legislative Session, I had a town hall meeting. It was just regular folks from my community who came and we talked about different ways to balance the budget. And they said, 'Whatever you do, since many of us are really struggling, don't pass any bills that would affect the cost of milk, affect the cost of food, or would affect gas.' Because the people of the Leeward Coast already pay the most for gas, because they drive the most.

"This is one particular bill that started off with a lot of hope. A lot of hope by environmentalists that wanted to do great things for the State of Hawaii, and unfortunately it's been 'hijacked' by people who want to take money from the people of Hawaii. So I just simply cannot support something like this, a tax like this."

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, yes, I agree this bill starts with a whole lot of support and a whole lot of hope. The hope is from today and for the future. This provides for a long-term energy and food security program. Energy is a major component of this bill, but there's also an agricultural element and I would like to focus on that.

"I believe the State is becoming more aware of food security issues and would support such initiatives towards this goal for hope for the future, Mr. Speaker. Crop fields or cattle stock will not simply appear when our needs become sudden. These endeavors must be nurtured and cultivated, but our agricultural industry is struggling under the dire conditions of today, such as our bleak economy, prolonged drought conditions, and yes, increased fuel and also production costs.

"This specific percentage of assessment will be earmarked for agriculture development and food security programs, this Food and Security Special Fund, and go towards agricultural products including those intended to increase local production or processing in order to reduce imported food, fodder and feed for our isolated State.

"This is a very comprehensive bill. It combines energy and food security, and the plan has very important merits for our conservation, Mr. Speaker, to meet Hawaii's long term food and energy security needs. It is important that there is a balance between agriculture and energy production.

"We all recall a similar bill that we passed last year, Mr. Speaker. This was vetoed. I hope, and yes I agree, that this bill has hope not only for today, but for the future. I thank you for your support."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 2421. Thank you.

"Mr. Speaker, the Conference Draft of this bill before this legislative body does not meet the expectations of most supporters. It is a compromise born out of the deep recession that has gripped every facet of our government.

"Mr. Speaker, while we have not been able to direct all of the funding to our energy and agricultural special funds, we now have the ability to start funding our journey to energy and food sustainability. We can go from zero support, to $8.8 million to support economic development for Hawaii.

"Mr. Speaker, the Energy Systems Development Special Fund will be able to use $2.2 million as shared cost funds to bring in an additional $8.8 million; a 4 to 1 federal match for project dollars that will test and evaluate the commercial viability of renewable energy technology and bio-fuel systems.

"Mr. Speaker, this legislative body must also realize that the $13.2 million remaining in the general fund and not allocated to our special funds are not being misdirected.

"Mr. Speaker, the billions of dollars in revenue loss that our State has experienced since 2008 has impacted our energy and agricultural programs; programs that are supported by the general funds of our State. The Agricultural Department has had staffing and operating fund cuts to the point that many programs are in name only. Day-to-day operational support does not exist. The Energy Division only exists because of federal funding from the Petroleum Violation Special Fund and American Recovery and Reinvestment Act funding. Funding that runs out after next year.

"Mr. Speaker, the $13.2 million that will remain in the general fund from this revenue source will allow us to fund agricultural and energy programs for Fiscal Year 2011. Yes, we wanted to use all of the funding to move forward with our energy and food security programs. However, with our current fiscal problems, we must be able to hold on to our current programs and not lose what we have gained.

"Mr. Speaker, everyone should be aware that general funds currently support tax credits and refundable tax credits for energy efficiency and renewable energy products. Current figures are not available. However, the State's general funds supported over $6 million worth of credits in 2006. With the added refundable tax credits starting this year, we could be approaching a general fund liability of over $10 million.

"Mr. Speaker, it is very clear that all of the revenue generated by this bill will directly or indirectly support the purpose of this bill. Food and energy security and sustainability will be supported. Economic development based upon retaining billions of dollars now being shipped off-shore will be supported.

"Mr. Speaker, I want everyone here to understand that the future economic viability of our State is absolutely dependent upon our ability to reduce our use of oil. Crude oil prices in the last 12 months have gone from $44 per barrel, to $85 per barrel. Crude oil prices are forecast to be around $100 per barrel by the end of this year. As the world recovers from this global recession, demand for crude oil will rise and crude oil prices will increase. This pattern will continue long into the future.

"Mr. Speaker, I ask you and everyone in this Chamber to support this bill; a bill that is not about today or even tomorrow. This bill is about the future long-term economic viability of our State. Thank you."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, in the parlance of the Representative from Hawaii Kai, non-support, may I repeat, non-support of this measure is economic development and job killer number one. This bill should not be viewed as a tax, but a retention fee. A retention fee to reduce the over $8 billion each year that we ship offshore to pay for our imported fuel and food.

"One year ago when we voted on a similar measure which was vetoed by the Governor, and that was House Bill 1271, where all the funding was dedicated to energy and food security, we were recovering from an oil price spike which peaked at $145.29 per barrel on July 4, 2008. When we took that vote on House Bill 1271, crude oil was hovering at about $51 per barrel. Today the price of crude oil is at $86 per barrel. The past 52-week pricing ranged from $44.45 to $86.42 per barrel, and the one year forecast is projected at $99 per barrel.

"As the global economy improves and demand increases, the oil pricing trajectory is upwards. Mr. Speaker, as politicians, we can all agree that there is never a good time to raise taxes. It is very easy, especially in an election year, to chant, "No new taxes." During a time of recession, we question ourselves about the wisdom of raising taxes. However, Mr. Speaker, in dealing with energy issues, the window of opportunity for Hawaii is limited and getting smaller each day, and it's going to cost money. If we want to put our energy and food security strategies into action and implementation, we have to pay for it somehow. Doing nothing is not an option, not if we call ourselves leaders.

"As an isolated archipelago, we are vulnerable to fuel and food supply disruptions and global forces beyond our control. A transition to a clean energy economy and a strategy to reduce both our fuel and food imports, which is funded through this tax increase, puts Hawaii's destiny more

under our control. It will take long-term planning, a smart strategy, public-private partnerships, an infusion of new technology, smart investments and political will to achieve this strategy. However, we can only achieve this strategy with political will and putting our money where our mouth is.

"Mr. Speaker, the economic development opportunities are in the energy, agriculture, health and education sectors. However, the energy sector is the bedrock of our economy. Stable, predictable energy pricing is a major factor that affects each sector of our economy and offers an opportunity for economic growth. Moreover, Mr. Speaker, the energy sector moves hand-in-hand with information technology and communications, as technological integration require software and communications support.

"Hawaii should be the center of research and development, technology validation integration for a clean energy economy transformation. But we can only be taken seriously and achieve these goals if we, as the residents and businesses of this State, make the needed long-term commitment and investment by again putting our money where our mouth is.

"Colleagues, don't be 'pennywise and pound foolish' on this measure. Mr. Speaker, the reality is that if this bill does not pass, when the ARRA funds run out, DBEDT's Energy Division will not have the funds for staff to drive the Hawaii Clean Energy Initiative next year. The State will not have any funds available to cost share any Department of Energy awards which will limit our ability to compete for federal funding, and the agricultural sector will continue to limp along with further declining resources."

Representative Takumi rose to yield his time, and the Chair "so ordered."

Representative Morita continued, stating:

"Thank you. Mr. Speaker, if this bill does not pass, what I fear the most is that clean, renewable energy and energy efficiency will only be available to those who can afford to make the transition. As the cost of fossil fuels rise, it will be those who can least afford those rising costs that will ultimately bear the burden of maintaining an antiquated electricity and transportation infrastructure.

"One of the key objectives of the Hawaii Clean Energy Initiative is grounded in social and economic justice; that is, we provide for a strategy that moves our entire community forward to secure the benefits of a clean energy economy and food security transformation for each person and business throughout Hawaii. Mr. Speaker, the tax is broad-based, a burden shared by all and a tax that can be easily offset by efficiency and conservation measures.

"Mr. Speaker, I will put this bluntly because I don't know of any other way I can describe this. When the Lingle Administration leaves office, the ARRA funds allocated for energy and the Petroleum Violation Trust Fund, which has supported the Energy Division for several decades, will be depleted and sucked dry. In dealing with critical issues like energy and food security, these are long-term strategies that cannot be planned for or implemented by election cycles or a single person's action for a large scale transformation to occur. We all have an on-going and important role to play in this endeavor.

"Mr. Speaker and colleagues, today we have the opportunity to look at our children and grandchildren in the eye and say, 'I voted in favor of this bill that will change the course of Hawaii's destiny by working to reduce Hawaii's dependency on imported fuel and food. I put my money where my mouth is when I voted for a tax increase to ensure energy and food security for Hawaii despite my fear of how voters will react in the fall elections, because it is the right thing to do for the future of Hawaii.' We can say that, 'I am a leader in this State, helping to achieve energy and food security, to secure a healthy, safe and prosperous future for our families and our businesses.'

"So Members please, I ask for your vote on this measure. Thank you."

Representative Pine rose to respond, stating:

"Just in rebuttal, Mr. Speaker. I have a lot of respect for the previous speaker. I think she's amazing and really knows what she's talking about in this area, but unfortunately all those wonderful things that she said that this bill does, it doesn't do that anymore. It's just all about simply a tax increase on the people of Hawaii. The majority of the money that's raised from this tax increase is going to go to the general fund, and not for any of the wonderful things that she talked about. Only a smaller portion will be.

"When I talk about this bill being 'hijacked,' that's the reason. We're hijacking the hopes and dreams of people who've worked so hard on this issue and we're sticking it to the people of Hawaii and increasing taxes on a barrel of oil.

"I too will stand by my vote because many people will use this against me. That I'm against the environment. But in the end, I too am committed to the people of my district who I promised that I would never give a phony bill and say it did something and vote for it when it didn't do what I told them it would do. So I cannot in good conscience vote for a bill that is just simply a tax increase on the people of Hawaii and that's it."

Representative Evans rose to speak in support of the measure, stating:

"Thank you. I rise in support. One thing that was very clear by the constituency in West Hawaii is that we have to move to renewable energy. It is so high on their list, and they're saying, 'You have got to do this. What is wrong with you people? Haven't you gotten the message? We have got to get off oil. We have to go to renewable energy.'

"I do not agree with the previous speaker that this is a phony bill. This is a bill that really hits the mark about, we have got to move forward. We have got to do this and the time is now. I totally agree with the Chair of Energy and Environmental Protection, and Mr. Speaker, may I have the words of the Chair in the Journal as my own.

"Thank you. I just want to also point out that some of the funding for the Department of Agriculture, and DBEDT and some of the people that would support the implementation of this will be funded out of the general fund. So to say that putting money in the general fund isn't going to be used for this, I think is really inaccurate. Mr. Speaker, I just want to set the record straight that this bill is about moving us forward, and that's what the public wants.

"I do believe it's a job stimulus, job creation bill also, because we have people coming to Hawaii that are investing their money now, believing in what we have to offer in Hawaii. We have the water. We have geothermal. We have solar. We have wind. We've got all the technologies, and they're coming here. They're investing because they believe in it too. This is telling everybody that we also believe in it. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Just a brief rebuttal. Or let's say, a brief reminder to begin with. First of all, rather than denigrate, I think we should commend the Governor for her Hawaii Clean Energy Initiative which Mr. Speaker, the reality is this Floor voted that and its series of bills down. Now we're pounding our chests, taking credit for all the good things we're doing when in fact she took this and said there's $7 billion leaving every year. Let's put that every year lower, and lower, and lower to where in 30 years, we're going to have it down to 70% renewable energy. The bills that she put in place, we pushed aside. So I think we have to be honest with what we did and what she's done and what monies have been coming in because we signed an agreement with the Department of Energy, which that agreement is now going on."

The Chair addressed Representative Ward, stating:

"Representative Ward, would you confine your remarks to the barrel tax that is before us which is $1.05 per barrel, and how it is split between programs."

Representative Ward continued, stating:

"Which is the second part of the rebuttal, and that is, we have to be aware of what we're doing, Mr. Speaker. I mentioned on the Floor last week that we are now second in the world for the cost of doing business. If you're someone without the means to even make your business work, the attractiveness of coming to Hawaii for business is going to be very low, and 80% of our jobs come from the private sector.

"But even if it has nothing to do with the business community, Mr. Speaker. It just has to do, as my colleague from Ewa Beach said, about survival. You know, we have 300,000 people who are dependent upon some kind of a government help for them to survive. To keep their nose above water."

Speaker Say: "Representative Ward, please confine your remarks ..."

Representative Ward: "Mr. Speaker, we have to be considerate. Mr. Speaker, this is a tax increase, and it's going to make the cost of living increase and it's going to hurt the poor people. That's the bottom line of it. We have to be aware when we vote on these things. We can talk about all the nice things about it, but we've got to remember the guys who don't have the money; this increases their food, their gas, and everything else. That we were just not doing anything to hurt them. We've got to keep our eyes open, Mr. Speaker. That's the bottom line. We have to be aware of what we're doing. We're already the second in the world. It's expensive to live in Hawaii. Thank you, Mr. Speaker."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. May I ask that the comments from the Representative from Hanalei be inserted into the Journal as if they were my own? Thank you," and the Chair "so ordered." (By reference only.)

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with troubled opposition. We're being told often that half a loaf is better than no loaf at all. I wanted to share just a moment, the trouble I've had thinking about this bill. Because last year when we did pass HB 1271 and it was vetoed, it was the kind of bill that we're discussing in terms of content here. Unfortunately the Executive Branch's perspective about what leadership means and the content of that precluded us from having that pass.

"So my concern with this particular bill is not in the content, but rather in the allocation. I've polled my district. I've polled other districts. Citizens are not adverse to raising taxes if they know more clearly how those taxes will be used and how it will be measured. I completely and thoroughly appreciate the Chair, Vice Chair, and the other Members of this Body who have worked so diligently to uphold even the little bit that's left. There are few of us here who would disagree with the merits of the bill, and the trouble I have is that I would have liked us to be more bold, more courageous. I look forward to the following bills coming up that will demonstrate the leadership that this Body can provide. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. First of all, I think it's well known my support for the environment and alternative energy, for agriculture. But call it a retention fee. Call it whatever you want to call it. It's still a tax on our people and a tax on our businesses when they can least afford it at this time. I just think that it's a bad time to be doing something like this. I know that our Legislature can think of better ways to accomplish the ends that we want to achieve in both agriculture and in the environment.

"I want to ask that the words of the speakers from Ewa Beach and Hawaii Kai be entered as my own."

Representative Takai rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I'd like the words of the Chair and the Vice Chair of the Committee entered into the Journal as if they were my own. In support, Mr. Speaker.

"Just briefly Mr. Speaker, you may have known that I was fortunate, my family was fortunate to be able to put in a photovoltaic system late last year. I just received my electric bill for last month and it was $18. Months ago I was paying a bill as high as $160 and $170. When you take a look at spending $7 to $9 billion each year and having all of that money just escape us and leave Hawaii, I think we all have to be concerned.

"But the reason why I bring my situation up as an example is I think in order to get to the point where everybody in this State can benefit from the harnessing of this free energy that we see each and every day from Hawaii, through the sun, or through the wind, or through the waves. We need to help, and the best way we can help is to create incentives.

"So I look at it as an opportunity to give back to the general fund the support that the general fund has given in the area of food and energy security. If you take a look at that, I think we would all agree that much more than what is going into the general fund is being taken out for this effort, and I think if you look in total we all agree that we have to, soon, rid ourselves of the handcuffs that $7 to $9 billion that is placing on our economy.

"We are the only state that has this challenge. This serious challenge of losing billions to others and we've got to change this and I think this particular measure does that. Thank you, Mr. Speaker."

Representative Tsuji rose to respond, stating:

"Thank you, very much. In rebuttal Mr. Speaker. To those who may comment that, who do we select when crises occur. And our being so isolated here in the State of Hawaii. History has proven it already. Go to the energy side, when we have a crisis. Who lines up at the gas pump relying on imported fuel? It is a crisis situation, a panic situation. We as the public, when there's a food shortage or when there's a crisis, who goes and prays that they can have a half of a loaf of bread? It is we, Mr. Speaker, whether it's energy consumption or fuel consumption, or even food consumption.

"Mr. Speaker, this bill, yes, it may have been, to use the term, 'morphed,' but we took a little different direction in trying to see and being futuristic. A percentage of this, yes I agree, will go to the general fund. In the next two fiscal years, anywhere from the lower $20-something million, to mid $20-something million. That will go to the general fund and I say its part of the compromise. But this in turn will help and revert to supplement and support energy and environment and food supply and food resources that we so desperately and direly need. Please, Mr. Speaker, lead us into the support of this legislation. Thank you."

Representative Belatti rose in support of the measure and asked that the remarks of Representatives Morita and Coffman be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 2421. This increase in the barrel tax, while masquerading under pretenses of energy and food security, is nothing more than a tax increase to fund the general fund. We need to be honest about what this measure is and what this measure will mean for Hawaii's residents. Although the Legislature may see this measure simply from the "revenue generating" perspective and maintain that consumers will only see a few cents difference, the truth is that consumers will be impacted at all levels.

"Energy is a factor built into the costs of everything: gas, electricity, transportation, and commerce. Realistically, Hawaii's residents are going to face an increasingly crushing tax burden with the enactment of HB 2421. Rather than increase the cost of living in Hawaii, the Legislature should be focusing on reinventing government and cutting the costs and expenditures of government."

Representative C. Lee rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative C. Lee's written remarks are as follows:

"It is unfortunate that so much of the funding produced by this bill will not be going directly toward energy independence, but given the economic downturn the State is in, I understand that those funds will be going to fund other important issues like health services and schools.

"It is important that we establish a source of funding for the renewable energy programs and services now while we still have the opportunity to receive federal matching funds of at least $4 for every $1 Hawaii contributes toward renewable goals. We cannot allow the opportunity to move away from imported oil to pass us by. As the cost of oil continues to inexorably climb, the future of our economy, and the success of our next generation depends upon it."

Representative Morita rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker, thank you for the opportunity to make additional comments on House Bill 2421. With all due respect to the speakers from Hawaii Kai and Ewa, I find their remarks disingenuous as they both voted against House Bill 1271 last year when all of one dollar increase went to energy and food security programs. I can understand when a legislator is straightforward in their opposition to tax increases, but one should not 'sugar coat' their opposition by saying if only 100% went to energy and food security when the record is quite clear there was no support there either.

"Mr. Speaker, I want to reiterate that next year, should the Governor veto this measure and the Legislature fail to override this veto, all of our efforts in the Hawaii Clean Energy Initiative may come to a halt. For the past three years we have been riding on the U.S. Department of Energy's coattails, where millions of dollars have been invested in Hawaii to launch the HCEI through cash and technical support. Unfortunately, the State's financial support was a drop in the bucket and did not commensurate with that of the federal government. As the Department of Energy regroups to fund Secretary Chu and President Obama's key renewable energy priorities, we may see a drop in the feds commitment to Hawaii, primarily because we have not paid our fair share. I am sure that Governor Lingle and I are equally passionate about moving Hawaii to a clean energy future, but I am realistic and pragmatic that such a future goes way beyond a single Administration or Legislative Session. And, such a commitment takes not only political will, but money too.

"Therefore, Mr. Speaker, leaders from the Governor on down need to put their money where their mouth is if we are to achieve a clean energy future and food security and sustainability for Hawaii.

"Mr. Speaker, I would also like to resubmit my Floor remarks for House Bill 1271 which is the bill the Governor vetoed last year on this very subject. Everything I said that day is still relevant to the decision we are making today on House Bill 2421.

Floor Remarks – Representative Hermina Morita
House Bill 1271, HD3, SD2, CD1

Mr. Speaker, I rise in support of this bill. When we passed the bottle bill in 2002, I remember Speaker Calvin Say looking at me and saying, "this one is for the children." I truly appreciate the support I have I have received from this body's leadership and my co-chairs and conference committee members because this bill is a really big one. We act on this measure not only for Hawaii's children but for all children throughout the world. This dedicated tax is an investment to make Hawaii the model for energy and food sustainability which the world can look to. Achieving energy and food security for Hawaii is a long-term strategy which takes resources for implementation. We can talk all we want about our desire to achieve energy and food security, but as my trusty vice-chair, the Representative from Kona, pointed out, without dedicated funding it will be just talk with no action.

New York Times columnist, Thomas Friedman sums our situation up pretty succinctly in his latest book, *Hot, Flat, and Crowded: Why We Need A Green Revolution And How It Can Renew America.*

Let me paraphrase what he says:

"Unfortunately, up to now we have been trying to solve the problems caused by the Dirty Fuels System piecemeal, one at a time, instead of trying to create a new system to replace it. The result has been that as we try to fix one problem, we end up creating or exacerbating another. We need a whole new system for powering our economy. The only way America will remain a big power and big player in the global system is if it is big in big things. And there will be no bigger undertaking in the world we are heading into than the production of clean power, energy efficiency, and protection of our forest, plant, and animal heritage. . . Green is the new red, white and blue.

Mr. Speaker, whether this body realizes it or not our journey to this point began almost forty years ago. In 1970 at the Governor's Conference on the Year 2000, a Hawaiian woman named Pilahi Paki spoke spontaneously to a room filled with community, educational and legislative leaders. Eloquently and simply, she told them that aloha, her ancestral legacy, is meant to be shared.

She said, "*Aloha is the coordination of mind and heart . . . it's within the individual. It brings you down to yourself. You must think and emote good feelings to others."* Prophetically, Kupuna Paki told the attendees "…in the next millennium, the world will turn to Hawai`i in its search for world peace because Hawai`i has the key…and that key is ALOHA."

Kupuna Paki passed away in 1985, however, her legacy still exists. Acting upon her message, the "Aloha Spirit" law was passed in 1986. As a model law for the world, it can serve the greatest number for its greatest good. The world is in dire need to experience *Aloha* and to learn how to apply *Aloha* in our daily lives. And now we even have a great ambassador of Aloha, with all due respect, not Kaniala - Danny Kaleikini, but the President of the United States. Respect for nature, universal human rights, economic justice and a culture of peace. These are the kind of values we share and these values can be embodied in a single word, Aloha. Aloha is the foundation of any community.

Mr. Speaker, one of ways to achieve Aloha worldwide is through renewable energy. Let me try to explain.

In my view of the world, specifically from the perspective as Chair of the House Energy & Environmental Protection Committee, I see energy issues as a root problem contributing to disasters like September 11 and the wars in both Iraq and Afghanistan. Former CIA Director, Jim Woolsey, describes our national energy dilemma as malignant and malevolent. Malignant because of the cancerous effects of climate change and a weakening economy and malevolent as our over-dependency on middle east oil feeds into middle east regimes that condone terrorist ideologies.

However, I also see energy, that is renewable energy, as an avenue to peace . . . thus placing us in Hawaii at a very critical juncture to become the premier demonstration site for clean energy systems and the model for the rest of the world.

The energy industry is facing something that has already happened to the telecommunications industry and within information technology – decentralization and miniaturization. These same trends are happening in the energy sector and the most significant change is how energy is generated and distributed which can ultimately result in the decentralization of political power affecting individuals, communities and countries.

For example, today, with available energy technology and emerging technology, this decentralization is as small as a person or business to

function completely independent from the electrical transmission grid and the monopoly public utility. On a larger scale, in a fossil fuel based economy the current political power is as influential as countries that have fossil fuel resources, such as the members of OPEC, over those countries that are dependent on imported fossil fuels for electricity and transportation needs like the United States, Japan and many European countries. However, with renewable energy, the balance of power has the potential to shift or become neutralized because unlike fossil fuels, some form of renewable energy can be found in most parts of the world. So there is no doubt that renewable energy and emerging technology is a major threat to the way current oil rich countries and multi-national corporations function economically and politically.

But, unfortunately, the quest for power – both in the energy sense and political sense – leave many people behind. And, those left behind are the incubators of discontent that jeopardize not only our efforts for peace and quality of life but also assurances for a clean and healthy planet.

Through renewable resources and the advancement of sustainable technologies there are very few reasons why all areas of the world cannot improve their standard of living. I see renewable energy as providing clean fuel for cooking or heating needs to improve indoor air quality – rather than scouring for pieces of manure, coal or wood to burn. Rather than cutting down stands of vegetation for fuel, which could lead to soil erosion and threaten watershed/recharge areas, time could be spent more productively towards sustainable cultivation. Rather than hauling water in containers – providing water pumping and delivery systems and hopefully, indoor plumbing systems as well as water purification and sewage treatment and solid waste disposal to provide for sanitary conditions. Therefore, renewable energy is a pathway to peace.

Mr. Speaker and colleagues, this bill symbolizes a monumental opportunity for Hawaii. For those concerned about the impacts to our Hawaii families, I urge that the focus be put on how this tax can be offset through energy efficiency measures and perhaps next year targeted tax credits to help alleviate any burden to our Hawaii families. For those wondering about the nexus between a barrel of oil and food, I urge them to read the *Omnivore's Dilemma* by Michael Pollan.

This bill symbolizes and works toward an investment in the future of children and grandchildren for a peaceful, healthy and prosperous world I urge my colleagues' full support and hope you are all prepared to override the Governor's threaten veto of this measure."

Representative Carroll rose in support of the measure and asked that the remarks of Representative Morita be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB2421, which increases Hawaii's barrel tax from $.05 per barrel to $1.05 per barrel in order to promote the State's food and energy security. This bill was referred to as "Job Killer #1" in previous speeches.

"Although I strongly support self-sufficiency and clean energy initiatives, I strongly oppose raising taxes, particularly in this economy. The last thing we should be doing this Session is increasing taxes, especially on something as pervasive and important as oil. A barrel tax increase will cause the price of almost everything in the State to increase. This will cause additional financial hardships to families that are already struggling to get by.

"I also oppose HB2421 because only 40% of the tax revenues will be used for the special fund, while 60% will go toward Hawaii's special fund. If legislators were serious about the environment, 100% of the funds would be used for the many worthy causes mentioned in the bill, not less than half. This bill is simply hiding a drastic and unnecessary tax increase behind a good cause.

"While protecting the environment is certainly important, it does not justify increasing the barrel tax by 2000%. For these reasons, Mr. Speaker, I oppose HB2421."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and I'd like to enter written comments and ask that the comments made by the Chair from EEP, as well as the Representative from Pearl City except for the portion relating to having a photovoltaic system on his household, be entered into the Journal as if they were my own. Thank you."

The Chair addressed Representative Awana, stating:

"Representative Awana, with your indulgence, why don't you incorporate the comments of Representative Coffman and Representative Tsuji as part of our overall remarks so that you cover both Ag and Energy."

Representative Awana: "Yes, Mr. Speaker. Thank you. I shall do that instead of submitting written comments. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2421, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Final Reading by a vote of 37 ayes to 11 noes, with Representatives Berg, Brower, Ching, Finnegan, Marumoto, Nishimoto, Pine, Thielen, Wakai, Ward and Yamane voting no, and with Representatives Har, Herkes and Souki being excused.

Conf. Com. Rep. No. 5-10 and H.B. No. 1985, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1985, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

At 1:58 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:59 o'clock p.m.

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in reservation to H.B. 1985 CD1, which repeals the deduction from taxable income for amounts given as political contributions; increases the tax on cigarettes and little cigars by one cent for sales on or after July 1, 2010; and temporarily increases certain insurance fees.

"While I support this measure for its repeal of tax deductions for amounts given as political campaign contributions, my reservations on this measure rely on the section which temporarily doubles fees under certain HRS sections. As stated by the Department of Taxation, "increasing the insurance premiums tax as proposed in this measure will result in an indeterminate revenue impact, as drafted, due to blank amounts." Thank you."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 1985. This measure repeals the deduction from taxable income for amounts given as political contributions, increases the tax on cigarettes and little cigars, and temporarily increases certain insurance fees and specifies that the increased fees be deposited equally into the Compliance Resolution Fund and the general fund as an insurance license and service tax.

"Residents of Hawaii already pay some of the highest insurance premiums in the nation and taxing them additionally will only drive the costs higher. This is a cost that is going to be paid for by consumers at a time when they can least afford it. Mr. Speaker, as leaders in government, we need to find creative solutions to these financial challenges, not merely resort to increasing the taxes on everything to pay for a government that we can no longer afford."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I apologize, but the Chair of Economic Development and Military Affairs and I had to go up to open a Conference at 2:00 so I wasn't here for the discussion, but I do need to request a ruling of a potential conflict. Mr. Speaker, this bill raises insurance fees by double and I am a broker. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1985, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 44 ayes to 4 noes, with Representatives Berg, Finnegan, Marumoto and Pine voting no, and with Representatives Har, Herkes and Souki being excused.

Conf. Com. Rep. No. 51-10 and S.B. No. 2650, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2650, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Your Committees on Human Services and Health had briefings on the proposed EPOD measure. We had a tremendous amount of briefings, legislative briefings on this subject, related to the reorganization of the Department of Human Services, Mr. Speaker. These briefings provided a bounty of information. This bill is a result of those briefings. We went to Maui and we went to Kauai. We went to the Big Island and we heard what not only the Department of Human Services employees had mentioned, but we heard from the recipients, the advocates for the needy, and they explained what would work and what wouldn't work.

"They're not against being more efficient or saving money, Mr. Speaker. That was never in doubt. So I want to thank our colleagues both on the House and Senate side, the recipients, the Department of Human Services workers. We know what they do, Mr. Speaker. I want to thank you Mr. Speaker, for working on this measure, and for giving us your expertise and knowledge in crafting the correct bill. I want to thank the Senate leadership, the Finance and Ways and Means Chairs, the Majority Leader, the Senate Human Services Chairs and the Senate Consumer Protection Chair, as well as our House and Senate staff members, HMSO and SMA. I want to thank the Department of Human Services employees for really stepping up and not backing down. Respectfully coming to the Legislature and telling us their plight and telling us it's not about the money, it's not about my job. It's about saving another life, and about helping another person.

"Mr. Speaker, I want to tell you what our Department of Human Services employees do. They provide priceless services to the disabled, the elderly, the blind, the deaf, domestic violence victims, homeless victims, people that suffer from mental illness. They provide child protective services and adult protective services. Mr. Speaker, I know this because I've worked with them for ten years. I know how hard they work.

"Mr. Speaker, this bill is a good bill. It actually represents not only what the Department of Human Services wants and the Legislature wants, but it also represents part of what the Governor wants. And as ironic as this may seem, it also represents what the Director of Human Service wants. We are all for being more efficient.

"We believe we have provided the proper safeguards to work together. To work together with the Administration on being more efficient. We look forward to the dialogue with the Supplemental Nutrition Assistance Program Administrator. That's a key person. That is our administrator for the SNAP program. The Director has to work with her if we're going to get something that's good policy, solid policy. We look forward to that, Mr. Speaker.

"We look forward to the Director working with the Chief Investigator for the Department of Human Services as we make sure we don't have welfare fraud sky rocket or become rampant without proper safe guards. This is the prudent thing to do. We'd like to save money, we'd like to be more efficient, but we'd like to work with the workers at DHS.

"We also want to make sure we don't violate federal law. Again, we have to make sure that we are on board with the United States Department of Agriculture so we are not subject to fines or reprimand. We certainly do not want to violate federal law here, Mr. Speaker. We also want to make sure that the Department of Human Services abides by Title VI of the Civil Rights Act of 1964. Of course, Mr. Speaker, this requires that State agencies provide language services to limited English proficient applicants and recipients. We want to make sure that we don't violate federal law.

"Mr. Speaker, I just wanted to summarize this by ending this on this note. In going to the briefings and meeting our Department of Human Services employees, we learned that they value what they do. They shared with us on the Big Island, Maui and Kauai, that if there is a subject of great value, you have to fight for it. You have to fight for it. This is what they have done. Mr. Speaker, your stellar Kauai delegation, we had a hearing at Kauai Community College. They stood up, they're a close-knit community. Maui the same, Big Island the same. They fought for what they thought was right, Mr. Speaker."

Representative Tsuji rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued, stating:

"Thank you. I'll be just another minute. We understood from the Department of Human Services employees that to use your life to ensure the lives and future of others represents the greatest gift a person can perform. So we want to thank the Department of Human Services employees, HGEA and their union representative, the recipients, and the advocates for the needy, for all they have done. Certainly the genesis of the bill came from them, not from one person. Again finally for the Neighbor Island Representatives, they have done a great job. This is possible because your Neighbor Island delegation brought this home. Thank you, Mr. Speaker."

Representative Manahan rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support, please."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, it's tremendously difficult to actually argue on this bill because there's many misconceptions, as well as the fact that people may think that this is really going to be detrimental to the vulnerable population. It's kind of counter-

intuitive when you look at the history of this bill and what's been going on in government, that you would think that, why wouldn't this hurt the vulnerable population.

"Mr. Speaker, let me just start off by saying, I think that after hearing the passion that's not only in the Chair's voice of Human Services, but on the previous bill you heard the passion of the Chair of the Environment Committee. What I would like to share is just that we too share that passion for doing things better, for making the right decisions. It's just that we see it differently.

"So I'm going to start off, hopefully if you have some patience with me Mr. Speaker and colleagues, with why I feel so strongly about this bill and being against this bill. I've taken in a lot of emails and read them. I've taken a look at all the testimony and tried to study the programs. And of course I'm not sitting in the eligibility offices, but I think that I understand it pretty well.

"Mr. Speaker, the premise for the EPOD modernization program first and foremost was to provide better services to the vulnerable, and I'm going to explain why. Mr. Speaker, I wanted to get to some of the points that the previous speaker talked about, about Title VI federal law of 1964 and providing language services.

"Currently, and I have this from email from other folks that they do say, eligibility workers, that they do say this service is a call-in service where they get interpretive services through contract because they can't higher all the different languages right then and there and have them sit around in order when people need them. So they call in and they get this contracted service by telephone. Mr. Speaker, that will not change. You will still be able to call and get the interpretive services by telephone.

"Some may think that this version of the bill is a compromise, as the previous speaker has said. It actually isn't. I believe this version of the bill will kill the existing EPOD modernization plan. This is no compromise. By limiting the pilot project to Honolulu County, the ability to help with the backlog of applicants that exist on Maui and Kauai will not happen. Right now, that's a federal law that we are not abiding by. We are supposed to have the applications be processed within the first 30 days, and instead it's going on longer.

"The people who are against the EPOD or Eligibility Processing Operations Division modernization plan I believe, and you know whoever's fault, really do not understand how the new program could and would work. Some people who are against it are looking at all the people who apply for public assistance as incapable of using a phone or using a computer. This is simply not true, Mr. Speaker.

"I'm going to share with you some of the emails that I've received. In fact I'm going to start with this one. This is from a supervisor and she was saying how, and I apologize to this supervisor if she's watching. But she was stating how these case workers or eligibility workers, and I kind of downgraded their job responsibilities because I said they just change addresses. That's not what I meant when I was saying that at the last Floor debate. But let me read you some of the things that were emailed to me.

"She said, 'My workers are not only eligibility workers, but because of the shortage of office assistance staff due to the RIF they are also required to assist on the phone lines, as well as greeting directly our walk in clients. We have clients that walk in with medical emergencies and need medical assistance to treat life threatening conditions because doctors that took an oath to help people will not see them unless they can produce an approval letter.' And she basically talks about throughout this whole thing, pregnant women and how ..."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. She talks about how they're not able to get these services. Mr. Speaker, the eligibility program modernization program actually helps people get their services quicker because there will be less of a backlog. I'm going to go through the letter of March 25th from the Director to Sanford Chun of HGEA that explains how the program will work.

"For instance, it talks about online applications and call centers. Let me start with this. 'On page 20 of the SNAP toolkit the federal government notes the need for state agencies to overcome certain common myths and staff concerns including for example,' and it's quoted, 'some state agencies find that workers are reluctant to conduct eligibility interviews over the phone because they believe clients are more likely to lie about information over the phone. State agencies can reassure workers that states with this option have not reported an impact in error rates after the implementation of telephone interviews.'

"It also says in that same SNAP or food stamp toolkit book, 'Call centers increase program access because applicants have one number to call for interviews and application questions. For call centers to increase its access effectively, SNAP households must know that they should call the call center and not their worker.'

"It also states here, 'The SNAP toolkit notes on page 25, as of July 2009, 21 states had statewide online applications. Online applications can increase program access to households who cannot easily get to a local office for an application such as working households, households with difficulty obtaining transportation, households with disabled, etc. Additionally, online applications allow households to submit their application at any time.' The SNAP toolkit continues, 'Online applications reduce the amount of time workers must complete data entry.'

"Mr. Speaker, in Utah just recently they implemented something similar to the EPOD program and let me just kind of explain to you what it says in one of their descriptions. It says, 'In these difficult economic times many government agencies are striving to improve the quality and efficiency of citizen service delivery. The State of Utah has taken an innovative approach to transforming the way services are accessed and delivered with the electronic resource and eligibility product, the EREP,' which is like our EPOD. 'EREP is an automated enterprise solution that integrates eligibility and benefit calculations for more than 60 social service programs. With EREP, state case workers are more productive, citizens can access more services themselves online and clients are experiencing more positive outcomes in addition to saving money. EREP provides better services for citizens by connecting multiple social service agencies and programs with online access to knowledge and available services and reduce time to benefits.' They get the benefits faster.

"Mr. Speaker, I just have so much, so much here. Not only did I receive emails from some, but I also talked to people who work there. Of course I'm not going to share any names because they don't want their name shared. They don't want their workmates to be upset with them. Mr. Speaker, when they learn about the program, they see that it can be doable. They see that it is a more efficient way, and I've spoken to more than just one.

"Mr. Speaker, the threat that someone will not have access, and it said in one of my emails from someone if I can find it. She goes on to say, 'as an adult protective services investigator,' and she talks about a situation where there was a couple and this couple had really huge needs for Medicaid, medical insurance, and it was so difficult for this woman to be able to …"

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you. In fact let me go ahead and read some of this. It says, 'They have been given a welfare application to fill out but the wife had procrastinated because she found the form intimidating and not user friendly.' She talks about how she was flustered and discouraged and wanted to give up. 'We begin by calling her insurance office so that she could make arrangements over the phone. Although the representative recognized her distinct voice, she explained that it was not possible for the social worker to pick up the client's paperwork even if the client provided written authorization.

"Then she goes on to say that she took seven hours to accomplish helping her. She's an adult protective services investigator. It says, 'How much more difficult do you suppose it would be for the elderly, disabled applicants who have no support system to call the EPOD office, likely multiple times, in order to get guidance and help in comprehending precise instructions for paperwork that is confusing and intimidating for them. I fear for dependent, elderly and foreign clients who live "off the grid" in the isolated areas of rural Ka'u with no phone, no transportation, limited or no social services, etc. Who will assist and advocate for them?'

"When I first read it I said, 'Yeah, who will do that?' Mr. Speaker, that is no different a situation than what we have now and before the RIF. If you don't have a phone, if you don't have transportation, under the existing system you aren't going to get it. So comparing the existing system to the new system, under the new system if the person had a phone, they could get services, whether it's a cell phone or whatever. But at least they would have the option of possibly getting services, versus right now a person with no transportation and no phone, they don't have it. If they're doing it by mail, you can do it by mail and continue to do that now or when a modernized EPOD application system works.

"What happens, Mr. Speaker, is this is giving more options, right now in places like SNAP. This is your food stamps area of eligibility. They just implemented last year the ability to do telephone applications. Mr. Speaker, in the different units, with some not doing telephone applications and others doing telephone applications, the backlog in the telephone applications area has improved sharply; and in the other areas, not so much.

"Unfortunately this particular plan does call for a lot of Reduction In Force, Mr. Speaker. But I believe that through the use of some of these other types of methods for people to do their applications, you're going to be able to streamline a heck of a lot better, lessen the backlog, lessen the time for people.

"So how does that work you might ask? It works because if one person does an online application, that hour or whatever it took to do that online application, the data entry that was just done does not have to be done again. It is in the system. Mr. Speaker, how many people do you think can get on a computer? Not even those disabled people, or somebody who's unfortunately lost their job. Maybe they were working as a clerk already, or maybe they were working as a flight attendant, or whatever they might be, and they needed some public assistance. Are you telling me that they can't go online to alleviate some of the work that the case workers have to go through?

"Mr. Speaker, my niece two years ago ended up being in a very difficult position with two kids and she had to apply for Medicaid. She had Med-QUEST, she would go to the offices and everything like that while she was working with two kids."

Representative Ching rose to yield her time, and the Chair "so ordered."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, please proceed. I hope you could summarize your statements."

Representative Finnegan continued, stating:

"I would try Mr. Speaker, but there've been so many misconceptions of how this will work. For someone like my niece who does Facebook, came over to my house because I watched her kids, could jump on to the computer and go and do Facebook to catch up with people or whatever she was doing, and had a cell phone. I worked with people who are homeless at Blaisdell Park and in order to contact them, they had a cell phone too.

"I'm not saying that everybody has to do an online application. I'm not saying that everybody has to do a phone application. But imagine if you had a hundred applications and of those hundred applications twenty people could do online applications, or maybe an additional 15, or 20, or 30 people could do phone applications because it was more convenient for them. Wouldn't you want to do that to alleviate the case load of the different workers?

"Mr. Speaker, after finding this program in Utah where they are doing the 60 different eligibility social service programs and did this EREP program, I found out that their applications are 80% online. Mr. Speaker, if we are seeing Maui having these huge backlogs, I believe that we should not kill the modernization plan moving forward, but really look for a real compromise between the two situations.

"If you think that's it all about money and all about saving money, I would highly disagree with that. We stated the Republicans had a six-year financial plan and we tried to be very transparent with what those choices would be. As well as the Governor who has a six-year financial plan. Neither of those financial plans put the savings of EPOD in it. This is not about just money, Mr. Speaker. This is about quality of services and if there is something that makes us not quite operate, and I'm not saying anything against the case workers. If the case workers are given and trained to do a certain process, that's what they're going to do. This EPOD program is asking others to adopt the program that can be more efficient for them and their workload.

"Mr. Speaker, there is a bunch of other information in here that, and I hope that those who work in these eligibility areas will read that 25 page letter. And let me just say, if this Body or my colleagues think that it's easy to make a decision like this, of course it's not. In fact I've had people that you wouldn't expect tell me, 'Lynn, why don't you back off on this? It is an election year. HGEA is not going to be happy with you.' Absolutely not, because I believe this is the right thing to do.

"Mr. Speaker, whether it's a money issue or not, take a look at this bill and think of those people that you will be helping. There are those people who cannot wait in offices. There are those people who need to work. There are those people who need our help to create a system that is more friendly to them. When you look across the nation, even here in Hawaii, there's this misnomer that you're going to be picked up, you're going to make a call, and you're going to get lost in this automated system. Absolutely not."

Speaker Say: "Representative Finnegan, would you just summarize your statement since the Chair has been very generous in allowing you to speak for over 20 minutes."

Representative Finnegan: "Absolutely Mr. Speaker, but you know what? The reason why, Mr. Speaker, this is so important because the main reason for this bill is to stop the RIFs, I believe, that will be coming up."

Speaker Say: "Representative Ward, will you yield your time? This will be going on to 25 minutes."

Representative Ward rose to yield his time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you Mr. Speaker. I guess I'll stop. But could I please do some written comments. I ask if there's anyone in this Chamber that can tell me that these things, and specifically point out why this won't work, and you have to compare the differences between the existing system and the failures of this existing system, and say that those failures within the existing system are going to be helped by the status quo and not changing things. Thank you."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to SB 2650. This measure authorizes the Governor to develop and implement an eligibility-processing operations division pilot project for counties with a population of 500,000 or more and prohibits any department of human services reorganization plan proposed prior to the effective date of the bill or other than the pilot project proposed by the bill.

"Director Koller has tried to implement changes but has experienced resistance, despite successful demonstrations of telephone processing of

Supplemental Nutrition Assistance Program (SNAP) applications. Many of those opposed to the original version of streamlining that Director Koller proposed cite fraud as a primary reason for opposition. However, there was no opposition to telephone interviews back in 2009 when it was hailed a measure to alleviate the case workload. Additionally, MedQuest has only 15% face-to-face applications and the rest are either processed by mail or fax.

"If the State can more efficiently and effectively deliver services to the needy, then it has an obligation to do so. Preserving antiquated and ineffective strategies of the past serve no one but an inefficient and ineffective government."

Representative Sagum rose in support of the measure and asked that the remarks of Representative Mizuno be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and I'd just like to make a few comments. First of all, I think this bill is a compromise measure. This bill is going to allow the EPOD process to go forward on the largest island with the largest population. So we are in fact moving forward in a prudent manner.

"Secondly, there's a very strong concern about fraud. And I think the people in support of this measure standing in this Chamber for that are very aware of that. Nothing that I have heard on the Floor today has addressed the fraud. When we talk to investigators they will say that part of making the case for fraud is the eligibility workers who look the person in the eye and can then be made part of the case to determine fraud occurring.

"I think we are moving in a prudent manner. I think this is a good bill, I think we should take it step by step because it is impacting so many people in our community, and yes, people who are working for government. That's all, Mr. Speaker. Thank you."

Representative Carroll rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in strong support. Mr. Speaker, could I have the words from the Representative from Kalihi and from Makiki be inserted in the Journal as my own. I'd also like the opportunity to insert comments and also add on some additional comments here.

"Mr. Speaker, in rebuttal to the Minority Leader who is very passionate about this particular measure. I would just like to say that I don't think anybody here disagrees about improving efficiency. I think what we're looking at here as was mentioned by my colleague from Makiki, is that we want to take a little bit of time to look at how you impose a total system overhaul.

"It was also mentioned from the Minority Leader that there has been deficiencies that have been identified. My question is why has the Administration waited so long to come up with a plan and now all of a sudden, want to force this plan on the system where it could have grave concerns, especially on the Neighbor Islands.

"As you well know Mr. Speaker, we went to the Island of Lanai, which is my district, with the Representative from Lahaina. We did not organize a meeting. What happened was many of the people there found out we were having a meeting with the nonprofits and the DHS employees to find out how they actually operate there. And to our surprise, all of the community showed up. But it gave us an opportunity to hear firsthand from the people that provide services, from the people who receive services, and also to talk about how the Island of Lanai takes care of its own by doing more than one job and by looking at cooperating in the best way they can on an island. That gave us the idea that we need to look at all the islands and see how this impacts them.

"All I'm saying here is when we talk about transparency, where was the transparency when the Director did not even consult with the employees as we've heard from them in our hearings? Where was the transparency in the discussion on the deficiencies and what is the best kind of system that will address those kinds of concerns? Now all of a sudden, because we are in this spiral of a downfall of our economy, now we want to impose a system that we don't really know whether or not it will work for all of us because we live in an island system. Each island has a unique way of how they address those concerns.

"I think this bill offers an opportunity as a pilot project to look at, first of all, the biggest population which is the Island of Oahu which has more resources than the Neighbor Islands, but I think also it provides for some transparency when we look at Chapter 91. I think what is important is that we get the input not only from the people who work for DHS, but also from the general community. Why? These are their tax dollars. We want to ensure that if we're talking about transparency and efficiency, that we get the input that is necessary so that we as government can provide the best model, the best framework. Not just based on what other states are doing, but what's good for Hawaii.

"So Mr. Speaker, I speak with a lot of passion because I've heard from my constituents. I sat down with them. And I've talked to them on the phone trying to get somebody to help them. Yes, we are shorthanded. Yes, we have this deficit. But what's more important is, when we make these kinds of decisions on so many bills that we talk about, we talk about transparency. Well, where's the transparency in this? I think what this bill allows is for us to take that pause to look at the system that is being proposed before us to give the employees an opportunity.

"I believe what the Minority said. Yes, if they're trained, if they're told, if they're educated on what the system is supposed to do, I believe they'll cooperate. But to make this kind of decision where the Director wants to impose a system without any kind of consultation, for me that's not right. We hear so many issues, and we talk about this transparency. I think this bill offers that transparency and gives us the time to do what is necessary so that we can have the best system that provides for the people of Hawaii. Thank you, Mr. Speaker."

Representative Carroll's written remarks are as follows:

"In strong support of SB 2650, SD2, HD2, CD1. The recent decision of the Director of the Department of Human Services to reorganize its service structure without consulting its employees or clients has spurred nearly universal criticism and apprehension. Centralizing DHS operations would seriously disadvantage persons on smaller islands in that they would be forced to purchase plane tickets just to acquire the face-to-face contact that federal law requires DHS to make available to clients. Compounding this, a constituent from Lana'i contacted me to point out that there is only one public facsimile on the entire island. The lack of available technological resources on smaller islands worries me, as does the thought of forcing this system upon elderly and disabled clients who may prove physically or mentally unable to utilize new technology.

"Recently, Speaker Calvin Say, Rep. Angus McKelvey, and I visited Lana'i, where DHS clients confirmed that a reorganization would prove severely detrimental to their community. The CD1 of this bill is largely a result of that visit, as the House Speaker recognized the need to exempt Neighbor Islands from the EPOD reorganization. I support his draft of this bill, as it will protect the most vulnerable residents of my District, but I also hope that we will be able to halt EPOD reorganization on O'ahu in the future."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker, and I would like to call for the question."

At this time, Representative Cabanilla called for the previous question.

Representative Finnegan rose and stated:

"Mr. Speaker, may I do a short rebuttal?"

Speaker Say: "At this point the question has been called. If you want to do a rebuttal the Chair will allow you submit it as a written comment to the point of rebuttal."

Representative Finnegan: "Does that mean that I have the ability to do written comments without me requesting it?"

Speaker Say: "You may request to submit written comments in rebuttal as part of it. For those Members who would like to have their written comments for or against submitted into the Journal, you're allowed to do so now."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Carroll be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and I'd like to adopt the words from the Representative from Kalihi as if they were my own, especially the part about the good Representative from Kauai. I'd like to also adopt the words from the Representative from Hana as if they were my own, and thank goodness for the person who invented 'cut and paste' because a lot of words and a lot of typing is going to be saved because of that. Thank you, Mr. Speaker."

Representative Manahan rose to speak in support of the measure, stating:

"Mr. Speaker, I have the same request. Rather than submitting written comments, may I just please enter the words of the Chair of Human Services, as well as the Chair of Hawaiian Affairs as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Takai rose in support of the measure and asked that the remarks of Representative Mizuno be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Awana rose in support of the measure and asked that the remarks of Representatives Mizuno and Carroll be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Mizuno rose to respond, stating:

"Thank you Mr. Speaker, I'd like the words of the Chair of Hawaiian Affairs placed into the Journal as if they were my own. And a last request, Mr. Speaker. May I insert this petition of over 7,100 employees and recipients of DHS services?"

The Chair addressed Representative Mizuno, stating:

"Representative Mizuno, the Chair will not allow you to submit that into the Journal, but you could leave it open in your office for the Members of this House to take a look at the petition. This will allow for public access to the general public at large, and the Members also."

Representative Mizuno: "Thank you, Mr. Speaker. I will do that."

Representative Aquino rose in support of the measure and asked that the remarks of Representatives Mizuno and Carroll be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2650, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Ching and Finnegan voting no, and with Representatives Har, Herkes and Souki being excused.

At 2:40 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2866, HD 1, SD 1, CD 1
H.B. No. 2421, HD 2, SD 2, CD 1
H.B. No. 1985, SD 1, CD 1
S.B. No. 2650, SD 2, HD 2, CD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Har, Herkes and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 2085, HD 1, (SD 2)
H.B. No. 2086, HD 2, (SD 2)
H.B. No. 2383, HD 1, (SD 2)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and agreed to such amendments for the noted House Bills. (Representatives Har, Herkes and Souki were excused.)

FINAL READING

H.B. No. 2085, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 2085, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on House Bill No. 2085, my understanding is that my law firm issued a legal opinion on this, but I am not involved in that. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 2085, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 44 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no, and with Representatives Har, Herkes and Souki being excused.

H.B. No. 2086, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2086, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Final

Reading by a vote of 48 ayes, with Representatives Har, Herkes and Souki being excused.

H.B. No. 2383, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 2383, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in support with reservations. My reservations are more about the process and how we came about with this final version. I really believe in life that your word is your word, especially in this building. It's so important that in the end what you say to people is what you're going to do.

"The first part of the process that I was upset about is I was told before these Conference Committees started by a leader in the Majority that we would give us and the public 24 hours notice anytime we decide to agree to a Senate version. This would allow transparency, and for the public to give it that one last try to express their feelings whether they agree or disagree with it. Because you never know, and we've seen it this Session. Sometimes bills can get killed on the Floor unexpectedly. Or it can go through unexpectedly and after we have to change some things because the public outcry was so strong.

"Now you may wonder why I am standing up in support with reservations on a Prisoner Of War, Missing In Action flag bill. I'm actually standing up to voice a lot of the feelings of many veterans that I have been working with this Session. Who would have thought that this session would be about all kinds of flags. Certainly I was not prepared for it.

"The reason why I especially have expressions of disappointment, and gosh if I was one of them I'd feel a mistrust in this system, because many veterans have been actively working together as groups and in a cohesive nature that I've never seen before. I found out that there're around 200 different veteran groups in the State of Hawaii that didn't really talk to each other until this Session.

"A few weeks ago the largest veteran's group that combines all the different organizations and have representatives from different veteran's groups asked me to come speak to them about this bill, the Prisoner Of War bill and Missing In Action flag, and of course the American flag and the Hawaiian flag bill. And they were troubled by how these bills have been treated.

"For this particular measure I guess we're agreeing to the Senate to only fly the Prisoner Of War and Missing In Action flags a certain number of days. One of the Chairs of one of the largest organizations for veterans said, 'Well, are we missing in action only five days a year? Why would they make that decision?' These are very interesting comments.

"A small group of veteran leaders came today to represent many, to put the American flag around the Liberty Bell. A Silver Star recipient came today. A Silver Star, for those Members who don't know, they're just a few short shy of the Medal of Honor. He came with his wheelchair. He can walk, but it's very hard when he walks very far away. He got out of his wheelchair to put an American flag around the Liberty Bell. And I asked him, 'You're so hopeful.' And he says, 'You know Kym, we've been talking to different Representatives and Senators, and all the veterans that are in support of the Prisoner Of War bill, and we realized that we can combine it with the ability to fly the American flag bill together without hurting each other.'

"The reason I'm so disappointed about this sudden … I was given notice 11:00 a.m. after I just said goodbye to the veterans who came here today. I'm disappointed because they came here today. Actually they gave notice yesterday to all the different leaders that they were coming today and especially tomorrow, to talk about this wonderful compromise. And as that veteran Silver Star who almost died in Vietnam and is crippled for life said to me, 'I'm putting this flag here by the Liberty Bell because I believe in the people in this building. They're going to make things right.'"

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Pine continued, stating:

"I was amazed by his optimism because when he came here with a group of veterans, he lives in a community association and he was for this bill as well. He was told, 'Why don't you move out of that association?'"

The Chair addressed Representative Pine, stating:

"Representative Pine, we are not addressing that particular issue in regards to flag poles. We are addressing the POW and MIA flags. So please confine your remarks to those provisions."

Representative Pine continued, stating:

"I'm aware of that Mr. Speaker, but the reason why I'm disappointed is they specifically have been working with leaders about compromise and those leaders, you know what they told them? 'We support veterans. We're going to fight for you. We're going to do everything we can to combine these bills.' I spoke to a Senator this morning who is a leader of this bill. I spoke to a House Member yesterday who is a leader of this bill. 'We're going to make it happen for these veterans. We're going to fight for you.'

"At 11:00, we're waiving all the promises that we told the public that we are going to give you notice and give you a chance for democracy. A cynic would say that this bill, a flag bill for a Prisoner Of War, was hijacked, promises made, so that these veterans could not come here and ask for decent democracy."

Speaker Say: "Representative Pine, I believe your statements are out of order. There is democracy where we had this lovely debate on another measure. So please confine your remarks to the POW and MIA legislation that is before this Body."

Representative Pine: "But I am, Mr. Speaker."

Speaker Say: "Well, don't bring up the other issue that is not part of this Conference Draft."

Representative Pine: "I stopped talking about that a while ago."

Speaker Say: "You are alluding to it. So please."

Representative Pine: "This bill was 'hijacked' in their opinion, Mr. Speaker."

Speaker Say: "Representative Pine, I don't know what the adjective is in regards to why it was 'hijacked.' I don't believe it was 'hijacked,' so please confine your remarks to the bill that is before you."

Representative Pine: "The bill that is before us, the veterans believe could have been better."

The motion was put to vote by the Chair and carried, and H.B. No. 2383, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Final Reading by a vote of 48 ayes, with Representatives Har, Herkes and Souki being excused.

At 2:51 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2085, HD 1, SD 2
H.B. No. 2086, HD 2, SD 2
H.B. No. 2383, HD 1, SD 2

At 2:51 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:51 o'clock p.m.

END OF CALENDAR

Conf. Com. Rep. No. 2-10 and H.B. No. 1907, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1907, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker, Part I of this bill limits the itemized deductions for high income taxpayers with adjusted gross incomes over $300,000 for married individuals; $225,000 for heads of household; and $150,000 for single individuals.

"The limits on itemized deductions are $50,000, $37,500 and $25,000 respectively. These limits expire beginning in taxable year 2016.

"Part II of this bill is intended to reduce current State expenses by temporarily removing the refunding feature of the capital goods excise tax credit for eligible depreciable tangible personal property placed in service after December 31, 2009.

"If the capital goods excise tax credit on eligible depreciable tangible personal property placed in service after December 31, 2009 exceeds a taxpayer's net income tax liability for the tax year it is placed in service, the excess of credit over liability may be used between January 1, 2011, and December 31, 2015, as a deduction from the taxpayer's net income tax liability in succeeding years, and any remaining excess may also be refunded on or after January 1, 2015."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you. Because basically the teeth have been pulled out of this job killer number 7, but it's a NGO discourager, Mr. Speaker. Let me explain why. This is all about Schedule A. Tomorrow is tax day. Those of you who have mortgages will fill out Schedule A. Those of you who have medical expenses have Schedule A to fill out. And those of you who have charitable contributions will fill out Schedule A.

"That means if you paid a lot for medical, your mortgage, and contributions, what I want to focus on is the contributions. Because if you give too much, to too many NGOs, for too many good causes, this is a penalty. We know NGOs have grown in large size over the last decade or so.

"Mr. Speaker, a lot of people depend upon these people for those donations and my fear is this is going to discourage them. It's going to cut down the contributions and the eleemosynary spirit that we have in our tax code. As Sparky Matsunaga once said, 'If you want to have social engineering, look at the tax code.' Mr. Speaker this is going to discourage them from being all that they can be. That's my regret, Mr. Speaker.

"I should also mention that I would hope that because the Republican balanced budget doesn't use these job killers as ways of balancing the budget, I would hope that it would be part of what the reasoning is why the teeth were pulled out of this, and I commend the Vice Chair of the Committee as well as the Chair for doing that. That people again will look at the assumption that we've made on how we can make a balanced budget. Mr. Speaker, I was reminded by my colleague that when I refer to NGOs, I really mean the nonprofit community. They're the ones that are going to get hurt by this bill. Thank you, Mr. Speaker."

Representative Choy rose to respond, stating:

"Mr. Speaker, in brief rebuttal to my friend from Hawaii Kai. This bill, as far as contributions and itemized deductions, it's for married individuals with adjusted gross incomes over $300,000, and $150,000 for single individuals, and just one short comment.

"Most of us who give charitable deductions to not-for-profit organizations, we give from the heart, Mr. Speaker. We don't look for a deduction. We want to give to the organization. We want to support it. We're not looking for a tax deduction. Thank you, Mr. Speaker."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support. With regard to one of the previous speaker's concerns about job killers. It does seem to me that the debate needs to be a little more nuanced because if the State government doesn't raise enough money to keep its employees employed, that's a job killer too. We can have the debate about whether a private sector job is more important than a government sector job, but if the State doesn't have revenue to pay its employees, that kills jobs every bit as much as anything else does. Those State employees are consumers just like any other consumer. Their going on unemployment does have an effect on the economy just like losing any other job.

"So we can debate whether a government job is more or less important than a private sector job and I think that would be an interesting debate, but I do think it's a little unfair to characterize all these bills as job killers. It depends on which jobs you're talking about. Mahalo."

Representative Ward rose to respond, stating:

"Just a very brief rebuttal that I would remind the previous two speakers that the whole reason why we have a bill like this is because we want to balance the budget. And as I said earlier, if you look at the budget that we've proposed, it's not necessary to do these things.

"Secondly, for the previous speaker from Chinatown, of course we don't want to lose government jobs. Of course we don't want to diminish and decimate anybody's job. But the reality is that the economy that we have in this country, as in most free marketplace economies, 80% of the people who have jobs don't work for the government, federal, state or city. So it's important that we think and we have balance between maintaining those jobs in the private sector which have right now lost probably 43,000 because that's how many people in the private sector are on unemployment, and those who are in the public sector.

"Secondly, regarding the gentleman from Manoa who talked about, well, we only give from the heart, we don't give by the tax code. I think that sounds very good, but I think the reality is, capital goes where it's asked to and it stays where it's welcome.

"People are very mobile now-a-days, Mr. Speaker. I know we've got beautiful beaches and people with a lot of money they go to Maui and they buy houses. But they also pay attention to things when we get, as I said earlier, we're the second most expensive in the world. Those are decisions that people with money make, and they have money because they made decisions based upon facts and figures. So yes, we give from the heart but we also have our head and we have tax codes which people pay attention to. Thank you, Mr. Speaker."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Just a short rebuttal, especially to the concept that people give from the heart and that's why they give to nonprofits, etc. I just don't think that makes sense. It's not common sense. Yes, people give from the heart, but then why, I ask the question, why would people go through the trouble to retain an attorney to become a 501(c)(3)? Why do they want to become a 501(c)(3)? Why go through the trouble to become a 501(c)(3)?

"The main reason to become a 501(c)(3) is so that you can raise money for the tax. Right? Tax deduction. So people give. When people give they can take it off on their tax return. So I don't mean to call my colleague disingenuous, but of course people give from the heart, but whenever somebody gives with the few amount of dollars they have, they're always

saying, like it was said previously, 'What is the use of my tax dollars,' as was said by the Representative from Hawaii Kai.

"That if I know where it's going, how it's being used, all of these things by a rational person, is why somebody wants to give. They want to know, what are you going to create with my dollars that I give you that I spent so much time for my children to create. Time is money. People spend their money and their time on important things. For those people who are in sales who work by the hour. You don't think that they want to be with their children at home? Time is money. So I think that we should be honest about these things."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1907, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Berg, Brower, Ching, Finnegan, Pine and Takai voting no, and with Representatives Har, Herkes and Souki being excused.

At 3:01 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1907, HD 1, SD 1, CD 1

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Har, Herkes and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2058, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Har, Herkes and Souki were excused.)

ANNOUNCEMENTS

Representative Manahan, for the Committee on Tourism requested a waiver of the 48-hour advanced notice requirement for the purpose of having decision making on the following measure on Thursday, April 15, 2010, at 8:35 a.m. in Conference Room 423, and the Chair "so ordered."

S.C.R. No. 126, Urging the United Nations to Grant Taiwan Meaningful Participation in the International Civil Aviation Organization.

"This was already heard previously and we received testimony on that I believe earlier this week. I want to thank the Majority Floor Leader for helping out with that. It's in Room 423 at 8:35 at the same time the Chairman of EBM will be having his hearing."

Representative Tokioka, for the Committee on Legislative Management requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Thursday, April 15, 2010, at 2:35 p.m. in Conference Room 309, and the Chair "so ordered."

S.C.R. No. 194, Regarding the Joint Legislative Committee on Aging in Place.

Representative Choy, for the Committee on Economic Revitalization, Business, & Military Affairs requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and holding decision making on the following measure on Thursday, April 15, 2010, at 8:30 a.m. in Conference Room 423, and the Chair "so ordered."

S.C.R. No. 202, SD 1, proposed HD 1, Authorizing the Cancellation of Lease of a Non-exclusive Easement.

ADJOURNMENT

At 3:04 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 15, 2010. (Representatives Carroll, Har, Herkes, McKelvey and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 14, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2383, HD 1, SD 2	Discharged Representatives McKelvey, Karamatsu, Co-Chairs; Har, Ward

House Communication dated April 14, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2351, SD 1	Discharged Representatives McKelvey, Souki, Co-Chairs; Takai, Pine

House Communication dated April 14, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 1907, HD 1, SD 1, CD 1
H.B. No. 1985, SD 1, CD 1
H.B. No. 2421, HD 2, SD 2, CD 1
H.B. No. 2866, HD 1, SD 1, CD 1
S.B. No. 2650, SD 2, HD 2, CD 1

House Communication dated April 14, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and has this day agreed to the amendments and passed the following bills on Final Reading:

H.B. No. 2085, HD 1, SD 2
H.B. No. 2086, HD 2, SD 2
H.B. No. 2383, HD 1, SD 2

FIFTIETH DAY

Thursday, April 15, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:37 o'clock a.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Mr. Renwick "Uncle Joe" Tassill, after which the Roll was called showing all Members present with the exception of Representatives Har, M. Oshiro and Souki, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth Days were approved. (Representatives Har, M. Oshiro and Souki were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 232 and 233) were received and announced by the Clerk:

Gov. Msg. No. 232, informing the House that on April 14, 2010, the following bill was signed into law:

H.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS." (ACT 021)

Gov. Msg. No. 233, informing the House that on April 14, 2010, the following bill was signed into law:

H.B. No. 2600, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION." (ACT 022)

The following message from the Governor (Gov. Msg. Nos. 234) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 234, transmitting her statement of objections to H.B. No. 1868, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 14, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1868

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1868, entitled "A Bill for an Act Relating to Civil Service."

The purpose of this bill is to prohibit all civil service employees not covered by collective bargaining agreements from taking leaves of absence to serve for more than one year in certain appointed positions in the executive and judicial branches. The one-year leave of absence would also apply to civil service employees whose collective bargaining agreements do not provide for the granting of longer leaves for the purpose of serving in appointed positions.

This bill is objectionable for the following reasons. First, this measure provides unfair and disparate treatment between career civil servants depending on whether they are covered by collective bargaining agreements. Because there are a number of collective bargaining agreements covering Hawaii Government Employees Association and United Public Worker employees that provide for four-year leaves of absence to serve in appointed positions, this bill conflicts with section 89C-3, Hawaii Revised Statutes, which requires employers to provide employees not covered by collective bargaining agreements with compensation and benefit packages that are at least equal to compensation and benefit packages provided under collective bargaining agreements for counterparts or subordinates within the employer's jurisdiction. Section 89C-3 was recently interpreted by the State Circuit Court to mean that a vacation leave or temporary assignment program offered by a public employer only to civil service employees through a collective bargaining agreement constituted a distinct "benefit" that must be offered equally to all of that employer's civil service employees. As such, we believe, this bill is in conflict with current law. Given that section 89C-6 allows chapter 89C to take precedence over all other statutes, including chapter 76 as amended by this bill, we also note House Bill No. 1868 is for all practical purposes unenforceable.

Second, the net effect of this measure will be to impose severe practical constraints on the ability of various appointing authorities, including the Governor, to fill certain appointed positions such as department directors, deputies, and board and commission members. The number of career civil servants willing to take these types of appointments would be severely reduced without assurances that they will be able to keep their hard earned benefits by returning to their previous positions after the end of an appointment. Although this bill will not affect my administration, it will have a significant impact on the next administration.

Third, this measure needlessly limits valuable opportunities for career civil servants to serve in higher level appointed leadership positions in our government. By specifically targeting civil servants not covered by collective bargaining agreements-who often tend to be managerial and supervisory employees-the State will lose out on the valuable knowledge and expertise that these civil servants will bring to their appointed positions.

For the foregoing reasons, I am returning House Bill No. 1868 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 580 through 583) were received and announced by the Clerk:

Sen. Com. No. 580, transmitting H.C.R. No. 64, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," which was adopted by the Senate on April 14, 2010.

Sen. Com. No. 581, dated April 14, 2010, informing the House that the Senate has on April 12, 2010, reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE."

Sen. Com. No. 582, dated April 14, 2010, informing the House that the following bills have this day passed Final Reading:

H.B. No. 1985, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

H.B. No. 2421, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT."

H.B. No. 2866, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

S.B. No. 2405, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

S.B. No. 2650, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES."

Sen. Com. No. 583, dated April 14, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bills:

H.B. No. 865, HD 1, SD 1	Senator(s) Kim discharged as Chair; Added as Co-Chair. Senator(s) English discharged as Co-Chair; Added as Chair.
H.B. No. 2267, HD 1, SD 1	Senator(s) Kim discharged as Chair; Added as Co-Chair. Senator(s) Sakamoto discharged as Co-Chair; Added as Chair.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative C. Lee introduced Uncle Joe Tassill who gave today's invocation, and the many *kupuna* of Alu Like Kumu Kahi Elderly Services from Windward Oahu, Waimanalo, Kailua and Kaneohe.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R. Nos.	Re-referred to:
93, SD1	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
183, SD1	Committee on Energy & Environmental Protection
206, SD1	Committee on Housing
239, SD1	Jointly to the Committee on Human Services and the Committee on Health

STANDING COMMITTEE REPORTS

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1353-10), recommending that S.C.R. No. 117, SD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE BUILDING OF MODULAR AND FACTORY MANUFACTURED HOMES IN HAWAII," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Har and Souki being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1354-10), recommending that S.C.R. No. 206, SD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 206, SD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"I'd like a ruling on a potential conflict. I occasionally work at a homeless shelter and I have worked in the past with the Waianae Coast Homeless Task Force," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 206, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was referred to the Committee Finance, with Representatives Har and Souki being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1355-10), recommending that S.C.R. No. 218, SD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 218, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG," was referred to the Committee on Judiciary, with Representatives Har and Souki being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Har and Souki were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Har and Souki were excused.)

H.B. No. 2058, HD 1, (SD 1)

The Chair addressed the Clerk who announced that the record of votes for said measure had been received which indicated that a quorum was present at decision making, and that the requisite number of House Conferees appointed had cast affirmative votes to report said measure to the Floor.

H.B. No. 2058, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2058, HD 1, on the following showing of Ayes and Noes:

Ayes, 4 (McKelvey, Choy, Evans and Ward). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2058, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Final Reading

by a vote of 48 ayes to 1 no, with Representative Hanohano voting no, and with Representatives Har and Souki being excused.

At 11:48 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2058, HD 1, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Har and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2351, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Har and Souki were excused.)

ANNOUNCEMENTS

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Friday, April 16, 2010, at 11:00 a.m. in Conference Room 308, and the Chair "so ordered."

S.C.R. No. 110, SD 2;
S.C.R. No. 78, SD 1;
S.C.R. No. 179, SD 2;
S.C.R. No. 167, SD 2; and

Decision making only on the following measures:
S.C.R. No. 206, SD 1; and
S.C.R. No. 79, SD 1.

Representative Coffman, for the Committee on Energy and Environmental Protection requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Friday, April 16, 2010, at 9:05 a.m. in Conference Room 225, and the Chair "so ordered."

S.C.R. No. 183, SD 1.

Representative Ward: "Mr. Speaker, just a reminder that today is April 15. We have until midnight to file our taxes. And to remind the Body that between 4:00 and 7:00 there will be a tea party at the Capitol, but fear not, no elected officials are able to be spokespersons for this event so everybody is welcome, 4:00 to 7:00. Thank you."

Vice Speaker Magaoay: "So have you filed your taxes Representative Ward?"

Representative Ward: "I have. Turbo Tax helped me a lot."

ADJOURNMENT

At 11:51 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 16, 2010. (Representative Har and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 15, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 1808, HD 3, SD 1	Discharged Representative Souki
H.B. No. 2548, HD 1, SD 1	Discharged Representative Souki
H.B. No. 2583, SD 2	Discharged Representative Souki
H.B. No. 2721, HD 1, SD 1	Discharged Representative Souki
H.B. No. 2724, HD 1, SD 1	Discharged Representative Souki
H.B. No. 2725, HD 1, SD 1	Discharged Representative Souki
H.B. No. 2784, HD 1, SD 1	Discharged Representative Souki
H.B. No. 2897, HD 1, SD 1	Discharged Representative Souki
S.B. No. 506, SD 1, HD 3	Discharged Representative Souki
S.B. No. 950, SD 2, HD 3	Discharged Representative Souki
S.B. No. 2045, SD 1, HD 1	Representative B. Oshiro replaced Representative Souki as conferee.
S.B. No. 2150, HD 1	Discharged Representative Souki
S.B. No. 2154, SD 1, HD 1	Discharged Representative Souki
S.B. No. 2454, SD 2, HD 1	Discharged Representative Souki
S.B. No. 2472, SD 2, HD 1	Discharged Representative Souki
S.B. No. 2491, SD 2, HD 1	Discharged Representative Souki
S.B. No. 2534, SD 2, HD 1	Discharged Representative Souki
S.B. No. 2726, SD 2, HD 2	Discharged Representative Souki
S.B. No. 2859, SD 2, HD 1	Discharged Representative Souki

House Communication dated April 15, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 30, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2351, SD 1

FIFTY-FIRST DAY

Friday, April 16, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:41 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Gordon Chang, uncle of Representative Chang, after which the Roll was called showing all Members present with the exception of Representatives Har, Luke, Shimabukuro and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fiftieth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 235 through 237) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 235, informing the House that on April 15, 2010, the following bill was signed into law:

S.B. No. 2834, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 023)

Gov. Msg. No. 236, informing the House that on April 15, 2010, the following bill was signed into law:

H.B. No. 1902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE." (ACT 024)

Gov. Msg. No. 237, informing the House that on April 15, 2010, the following bill was signed into law:

S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS." (ACT 025)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 584 through 586) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 584, transmitting H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 15, 2010.

Sen. Com. No. 585, dated April 15, 2010, informing the House that the Senate has on April 14, 2010, reconsidered its action taken on March 4, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."

Sen. Com. No. 586, dated April 15, 2010, informing the House that the Senate has on April 14, 2010, reconsidered its action on April 8, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2775, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P."

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Chang introduced his family: Uncle Gordon and Aunty Kay Chang; son and grandson, Mr. Jensen Chang and Caleb Chang; as well as good friend, Mr. Eric Ching.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.	Re-referred to:
136	Committee on Consumer Protection & Commerce

S.C.R. Nos.	Re-referred to:
18, SD1	Committee on Legislative Management
172, SD1	Committee on Public Safety
180, SD1	Committee on Public Safety
190, SD1	Committee on Public Safety
191, SD1	Committee on Public Safety
192, SD1	Committee on Public Safety

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that Senate Concurrent Resolution No. 206, SD 1, has been re-referred solely to the Committee on Housing per Committee Referral Sheet No. 72. The Committee on Finance waived its referral to this measure, and therefore it is appropriate for the House to consider action for adoption."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.C.R. No. 206, SD 1. (Representatives Har, Luke, Shimabukuro and Souki were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1354-10, recommending referral to the Committee on Finance seconded by Representative Evans and carried. (Representatives Har, Luke, Shimabukuro and Souki were excused.)

UNFINISHED BUSINESS

S.C.R. No. 206, SD 1:

Representative B. Oshiro moved that S.C.R. No. 206, SD 1, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'd just like to stand in strong support. Thank you."

Representative Pine rose to disclose a potential conflict of interest, stating:

"I just want a ruling on a potential conflict. I've worked with the Waianae Coast Homeless Task Force," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and S.C.R. No. 206, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was adopted, with Representatives Har, Luke, Shimabukuro and Souki being excused.

STANDING COMMITTEE REPORTS

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1356-10) recommending that S.C.R. No. 93, SD 1, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.C.R. No. 93, SD 1, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with just some reservations. I'd like to read if you don't mind, from the Hawaii Housing Finance and Development Corporation testimony from Karen Seddon. It says here that: '… the HHFDC opposes SCR 93 because it is not able to undertake the review due to budgetary constraints, the hiring freeze, and the considerable amount of compliance and reporting obligations of the HHFDC now incurred since its receipt of the federal stimulus funds.' It believes that the single room occupancy dwellings can be an important part of the solution in lack of affordable housing.

"However, noted in 2009, the City and County Department of Planning and Permitting testified it was already actively preparing for the transit-oriented development with neighborhood plans, subsequent zoning, financial mechanisms to guide the private sector towards meeting those adopted community values and opportunities, and that affordable housing will be one of the topics studied. So with that Mr. Speaker, I have reservations."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 93, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," was adopted, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 1357-10) recommending that S.C.R. No. 202, SD 1, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 202, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was adopted, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1358-10), recommending that S.C.R. No. 40, SD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 40, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1359-10), recommending that S.C.R. No. 128, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 128, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING ALL PUBLIC AND PRIVATE EMPLOYERS IN THIS STATE TO USE E-VERIFY TO CONFIRM EMPLOYEE WORKPLACE ELIGIBILITY," was referred to the Committee on Judiciary, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1360-10), recommending that S.C.R. No. 201, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," was referred to the Committee on Judiciary, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1361-10), recommending that S.C.R. No. 144, SD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO MEET OR EXCEED OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION POSITION BENCHMARKS FOR WORKPLACE SAFETY AND HEALTH AND CONDUCT A STUDY

TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A CONSTRUCTION SAFETY AND HEALTH PROGRAM IN THE STATE," was referred to the Committee on Finance, with Representatives Har, Luke, Mizuno, Shimabukuro and Souki being excused.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Members, please note the 48-hour notice for Conference Committee Report No. 6-10. Also please note the 10 day notice for Conference Committee Report Nos. 7-10 and 54-10."

Representative McKelvey, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1900, SD 1, presented a report (Conf. Com. Rep. No. 6-10) recommending that H.B. No. 1900, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-10 and H.B. No. 1900, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," was deferred for a period of 48 hours.

Representatives Takumi, Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2376, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 7-10) recommending that H.B. No. 2376, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-10 and H.B. No. 2376, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," was deferred for a period of 10 days.

Representatives M. Oshiro and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2807, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 54-10) recommending that S.B. No. 2807, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-10 and S.B. No. 2807, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," was deferred for a period of 10 days.

At this time, the Chair addressed Representative Coffman, stating:

"Representative Coffman, could you explain to the Members of this Body why we have this 10-day notice before us on Conference Committee Report number 7-10 and Conference Committee Report number 54-10."

Representative Coffman stated:

"Yes Mr. Speaker, these are all constitutional amendments and require 10 day notice."

Speaker Say: "Correct. Thank you, very much."

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Har, Luke, Shimabukuro and Souki were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Har, Luke, Shimabukuro and Souki were excused.)

H.B. No. 2351, (SD 1)

H.B. No. 2351, SD 1:

Representative B. Oshiro moved that H.B. No. 2351, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. Mr. Speaker, House Bill 2351 corrects the oversight that individuals who receive a less than honorable discharge or a general discharge under honorable conditions are not able to receive veteran's license plates.

"Mr. Speaker, this bill will honor veterans. I am not a veteran, but being a veteran is an honor earned by honorably supporting and protecting your country, Mr. Speaker. This will allow veteran's license plates to be a public declaration of service in an honorable way. So I would highly recommend the passage of this measure. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and may I have the words of the previous speaker entered in the record as if they were my own. Thank you."

Representative Takai rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this measure is to require veterans who submit application for veteran's license plates to provide the most recent discharge document that indicates an honorable discharge from the military.

"Veteran license plates identify individuals who have served this country. The veteran community and the general public believe that individuals who fail to meet certain standards of behavior and who received a less than honorable discharge should not be recognized as a veteran.

"The law, as currently written, allows those with less than an honorable discharge to receive a veteran's license plate. This measure corrects that oversight. For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

Representative Ward rose in support of the measure and asked that the remarks of Representative Yamane be entered into the Journal as his own and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of HB2351, which requires an applicant for a veteran's license plate to include a copy of the applicant's most recent discharge paper or separation document that indicates an honorable discharge or general (under honorable conditions) discharge from active duty.

"As a veteran of the Vietnam War and a member of the Veterans' Caucus, I find it imperative that we protect the integrity of veterans' license

plates. To be publicly identified as a veteran is an incredible honor, and it should be reserved for those who truly deserve it. Requiring proof of honorable discharge is a simple step we can take to show our appreciation for our country's veterans.

"For these reasons, Mr. Speaker, I strongly support HB2351."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a possible conflict. I'm a veteran," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 2351, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Final Reading by a vote of 47 ayes, with Representatives Har, Luke, Shimabukuro and Souki being excused.

At 11:55 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2351, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Har, Chang, Luke, Shimabukuro and Souki were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2016, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Har, Chang, Luke, Shimabukuro and Souki were excused.)

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Ward introduced his constituent, and a volunteer for the Red Cross and in the community, Mr. Rich Smylie.

At 11:57 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:00 o'clock p.m.

Representatives Evans and Takai introduced advocates for the elimination of child abuse: Miss Hawaii, Raeceen Woolford; Miss Hawaii Teen, Sheryl Wolfe; and Miss Hawaii Little Princess, who were here encouraging Members to participate in an event on Sunday and to put blue pinwheels on the Capitol lawn in recognition of child abuse prevention month.

Representative Manahan introduced a former teacher at Fern School Elementary who was here representing HSTA, Mrs. Louise Cayetano.

ADJOURNMENT

At 12:01 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, April 19, 2010. (Representatives Har, Chang, Luke, Saiki and Souki were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2721, HD 1, SD 1 — Added Representative Souki as a member.

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2897, HD 1, SD 1 — Discharged all conferees.

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2016, SD 1

House Communication dated April 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2351, SD 1

"April 16, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill and Senate Bill, a copy of each is attached hereto:

H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1, entitled:

"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT."

Said measured were placed on the Order of the Day of the Hawaii House of Representatives on this date.

Respectfully,
/s/ P Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Carol Taniguchi, Clerk of the Senate
Scott Nago, Chief Election Officer"

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"April 16, 2010

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1
"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION."

S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT."

Respectfully,
/s/ Carol Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosure

cc: Colleen Hanabusa
President of the Senate
Patricia Mau-Shimizu
Clerk of the House
Scott Nago
Chief Election Officer"

FIFTY-SECOND DAY

Monday, April 19, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:34 o'clock a.m., with the Speaker presiding.

Representative Ching introduced Pastor George I of Ka Huaka'i Missionary Baptist Church, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Bertram, Carroll, M. Oshiro and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-First Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 238 through 242) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 238, informing the House that on April 16, 2010, the following bill was signed into law:

S.B. No. 2111, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING." (ACT 026)

Gov. Msg. No. 239, informing the House that on April 16, 2010, the following bill was signed into law:

S.B. No. 2139, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS." (ACT 027)

Gov. Msg. No. 240, informing the House that on April 16, 2010, the following bill was signed into law:

S.B. No. 2325, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS." (ACT 028)

Gov. Msg. No. 241, informing the House that on April 16, 2010, the following bill was signed into law:

H.B. No. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 029)

Gov. Msg. No. 242, informing the House that on April 16, 2010, the following bill was signed into law:

S.B. No. 2357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 030)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 587 through 594) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 587, transmitting H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 588, transmitting H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 589, transmitting H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY AS "HAWAI`I-GROWN CACAO MONTH"," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 590, transmitting H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 591, transmitting H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 592, transmitting H.C.R. No. 51, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 593, transmitting H.C.R. No. 62, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," which was adopted by the Senate on April 16, 2010.

Sen. Com. No. 594, dated April 16, 2010, informing the House that the Senate has on April 15, 2010, reconsidered its action taken on April 8, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 358, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS."

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Yamane introduced Mr. Edmund Aczon, President of the Oahu Arts Center.

Representative Manahan introduced friends who have asked him to be their godfather at their wedding: the bride's parents, Mr. Bien and Mrs. Adelina Manangan; the bride to be, Ms. Fredelyn Manangan; and husband to be, Mr. James Frank.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. Nos.	Re-referred to:
25	Jointly to the Committee on Human Services and the Committee on Health
227	Committee on Hawaiian Affairs

S.B. No.	Re-referred to:
2849, SD2, HD1	Committee on Finance, then to the Committee on Labor & Public Employment

S.C.R. No.	Re-referred to:
201	Committee on Labor & Public Employment

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, please make reference to Conference Committee Report No. 52-10. This particular measure will be deferred until April 27, 2010."

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Bertram, Carroll, M. Oshiro and Takai were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 6-10 and H.B. No. 1900, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1900, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, M. Oshiro and Takai being excused.

At 11:42 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1900, SD 1, CD 1

STANDING COMMITTEE REPORTS

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 1362-10) recommending that S.C.R. No. 126, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 126, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support with written comments and a brief note. This is asking the United Nations to acknowledge Taiwan as a participant in Civil Aviation Organization. Mr. Speaker, I can't think of a more deserving nation, a more scientifically, entrepreneurially based nation and the future model for the $1.3 billion Chinese who look very, very closely at Taiwan so this would be a great step in the right direction. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of SCR No.126, which urges the United Nations to grant Taiwan meaningful participation in the International Civil Aviation Organization (ICAO). Taiwan is a major transport hub in Asia, and the Taipei Flight Information Region accounts for over forty million passengers and 1,580,000 metric tons of cargo each year.

"Taiwan's exclusion from the ICAO since 1971 has made it extremely difficult for Taiwan to remain informed and updated on international aviation standards and norms. Taiwan's participation in the ICAO is therefore imperative to ensure the integrity of international air safety and security and to promote cultural exchange, business, trade, and tourism.

"Taiwan's meaningful participation in the International Civil Aviation Organization will benefit not only Taiwan, but also the entire international community. For these reasons, Mr. Speaker, I strongly support SCR No. 126."

Representative Chang rose to speak in support of the measure, stating:

"I support the motion."

Representative Chong rose to speak in support of the measure, stating:

"In support."

Representative Ching rose to speak in support of the measure, stating:

"In strong support."

Representative Cabanilla rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. I would like the words of the Representative from Hawaii Kai, as well as the Representative from Hilo to be entered into the Journal as if they were my own."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support."

Representative B. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro written remarks are as follows:

"I am in strong support of this measure, which urges the United Nations to grant Taiwan meaningful participation in the activities, meetings, and mechanisms of the International Civil Aviation Organization (ICAO).

"As reflected in this measure, and elsewhere, Taiwan has a burgeoning economy - a reflection of its investment in technology, infrastructure, and an overall strong entrepreneurial business climate. In addition, the country's geographic location makes it an economic and cultural crossroads between many East Asian countries, which is why its inclusion in the ICAO is so important.

"Having visited Taipei, I know firsthand the importance this organization plays in Taiwan's future economic development, which is why I urge my colleagues to support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 126, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1363-10) recommending that S.C.R. No. 99, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 99, be adopted, seconded by Representative Evans.

Representative Cabanilla rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. I would like the records to show that I do believe that geothermal energy is a priceless gift of Madam Pele to the people of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 99, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO ANALYZE THE POTENTIAL DEVELOPMENT OF GEOTHERMAL ENERGY AS THE PRIMARY ENERGY SOURCE TO MEET THE BASELOAD DEMAND FOR ELECTRICITY ON THE BIG ISLAND," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1364-10) recommending that S.C.R. No. 183, SD 1, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 183, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1365-10) recommending that S.C.R. No. 194, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 194, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1366-10) recommending that S.C.R. No. 78, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 78, SD 1, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations and a brief note. Mr. Speaker, this was a resolution heard in Finance. Some of us missed some of the essence of it, and some have only heard the other side of the story. But I think the Body should be cognizant that this is a disgruntled employee on top of all these other accusations, and millions, literally millions of dollars, have come in to the State coffers because of this particular contract that was started in 1999 under a different Administration. I hope to finish my research, but it's more than what the name on the face of the resolution suggests. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"I stand in support of this resolution which would request the Auditor to conduct a management and financial audit of certain contracts between DOTAX and two management groups.

"The testifiers in favor cited irregularities and problems with management of software, and poor relationships between the DOTAX staffs and those of the contractor. Because of the lucrative nature of the contact, it would seem prudent to review the operations to see if improvements can be made or cost savings found in the process. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 78, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF DEPARTMENT OF TAXATION CONTRACTS," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1367-10) recommending that S.C.R. No. 79, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1368-10) recommending that S.C.R. No. 167, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 167, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING TO EVALUATE THE NEED FOR AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1369-10) recommending that S.C.R. No. 179, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 179, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF PROPOSED LEGISLATION MANDATING THE SIZE AND EXTENT OF A MANAGED CARE PLAN'S SPECIALTY NETWORK," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1370-10) recommending that S.C.R. No. 110, SD 2, as amended in HD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 110, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR

PERSONS WITH DYSLEXIA," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1371-10) recommending that S.C.R. No. 18, SD 1, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 18, SD 1, HD 1, be adopted, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

At 11:48 o'clock a.m. Representative Chong requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 18, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO OVERSEE THE INVESTIGATION OF THE DEPARTMENT OF BUDGET AND FINANCE'S HANDLING OF THE STATE'S INVESTMENT IN STUDENT LOAN AUCTION RATE SECURITIES," was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

CONFERENCE COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1862, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 8-10) recommending that H.B. No. 1862, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-10 and H.B. No. 1862, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," was deferred for a period of 48 hours.

Representatives Manahan and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2187, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 55-10) recommending that S.B. No. 2187, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-10 and S.B. No. 2187, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred for a period of 48 hours.

Representatives Ito and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2441, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 56-10) recommending that S.B. No. 2441, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-10 and S.B. No. 2441, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," was deferred for a period of 48 hours.

Representatives Manahan, Wakai and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2607, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 57-10) recommending that S.B. No. 2607, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-10 and S.B. No. 2607, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," was deferred for a period of 48 hours.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Carroll, M. Oshiro and Takai were excused.)

H.B. No. 2016, (SD 1)

H.B. No. 2016, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2016, on the following showing of Ayes and Noes:

Ayes, 3 (Hanohano, Nakashima and Pine). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2016, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, M. Oshiro and Takai being excused.

At 11:50 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2016, SD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Carroll, M. Oshiro and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2897, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments

for the noted House Bill. (Representatives Carroll, M. Oshiro and Takai were excused.)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolution, seconded by Representative Evans and carried: (Representatives Carroll, M. Oshiro and Takai were excused.)

H.C.R. No. 64, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolution was taken from the Clerk's desk and the following action taken:

H.C.R. No. 64, SD 1:

Representative B. Oshiro moved that H.C.R. No. 64, SD 1, be Adopted, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"I am in support of the amendments and this motion. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 64, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was Adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. This Friday as I'm sure most Members will know is the Annual Hemp Aloha Shirt Friday. So if you have a hemp shirt, wear it. If you don't, wear something that's natural fiber in honor of Earth Day. I think that the actual Earth Day is this Thursday. So see you all on Friday in natural fibers. Aloha."

Representative Herkes: "Thank you, Mr. Speaker. I just want the Members to know that at a recent Roaster's International Coffee of the Year competition, this is an international competition, Rising Sun Farm in Ka'u placed fourth worldwide. It is the fourth consecutive year Ka'u coffees have placed in the contest worldwide. Thank you."

Representative Coffman: "Thank you, Mr. Speaker. I wish the Members of this Body to join me in wishing my office manager, Cyndi Apana, a happy birthday today when you see her. Thank you, Mr. Speaker."

ADJOURNMENT

At 11:54 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 20, 2010. (Representatives Carroll, M. Oshiro and Takai were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 2849, SD 2, HD 1 — M. Oshiro/Rhoads, Co-Chrs.; Yamashita

House Communication dated April 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2897, HD 1, SD 1

House Communication dated April 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2016, SD 1

House Communication dated April 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 1900, SD 1, CD 1

House Communication dated April 19, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolution:

H.C.R. No. 64, SD 1

FIFTY-THIRD DAY

Tuesday, April 20, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:36 o'clock a.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Dwight Pono Chong, after which the Roll was called showing all Members present with the exception of Representatives McKelvey, M. Oshiro and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 243 through 249) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 243, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 2117, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 031)

Gov. Msg. No. 244, informing the House that on April 19, 2010, the following bill was signed into law:

H.B. No. 2028, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE." (ACT 032)

Gov. Msg. No. 245, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 1178, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 033)

Gov. Msg. No. 246, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 2120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS." (ACT 034)

Gov. Msg. No. 247, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING." (ACT 035)

Gov. Msg. No. 248, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 2910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY." (ACT 036)

Gov. Msg. No. 249, informing the House that on April 19, 2010, the following bill was signed into law:

S.B. No. 2440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY." (ACT 037)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 595 through 622) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 595, dated April 19, 2010, informing the House that the Senate has on April 16, 2010, reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2409, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS."

Sen. Com. No. 596, dated April 19, 2010, informing the House that the following bill has this day passed Final Reading:

H.B. No. 1900, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL."

Sen. Com. No. 597, transmitting H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION DESIGNATING THE WEEK THAT INCLUDES AUGUST 24TH AS SURF WEEK IN HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 598, transmitting H.C.R. No. 161, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CASTLE & COOKE HAWAII, INC. TO WORK WITH THE OAHU ARTS CENTER AND THE COMMUNITY TO SECURE AN APPROPRIATE SITE FOR AN ARTS CENTER," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 599, transmitting H.C.R. No. 21, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPAA, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 600, transmitting H.C.R. No. 22, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 601, transmitting H.C.R. No. 23, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 602, transmitting H.C.R. No. 24, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 603, transmitting H.C.R. No. 25, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 604, transmitting H.C.R. No. 26, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 605, transmitting H.C.R. No. 27, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 606, transmitting H.C.R. No. 28, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 607, transmitting H.C.R. No. 29, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 608, transmitting H.C.R. No. 30, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 609, transmitting H.C.R. No. 31, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 610, transmitting H.C.R. No. 32, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 611, transmitting H.C.R. No. 33, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 612, transmitting H.C.R. No. 34, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 613, transmitting H.C.R. No. 36, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 614, transmitting H.C.R. No. 45, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 615, transmitting H.C.R. No. 50, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A JOINT HOUSE AND SENATE INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A TRIBAL HISTORIC PRESERVATION OFFICE WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 616, transmitting H.C.R. No. 68, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD AIDS DAY IN THE STATE OF HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 617, transmitting H.C.R. No. 212, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 618, transmitting H.C.R. No. 284, SD 1, entitled: "SENATE [*sic*] CONCURRENT RESOLUTION REQUESTING AN UPDATE AND PRESENTATION ON THE STADIUM AUTHORITY'S EFFORTS TO TRANSFER THE RECREATIONAL USE RESTRICTION FROM THE STADIUM FACILITIES AND LANDS TO AN ALTERNATIVE STATE PARCEL," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 619, transmitting H.C.R. No. 292, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT PLAN FOR THE TRANSFER OF THE HAPUNA BEACH STATE RECREATION AREA FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE COUNTY OF HAWAII," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 620, transmitting H.C.R. No. 296, SD 1, entitled: "SENATE [*sic*] CONCURRENT RESOLUTION REQUESTING A STATUS REPORT FROM THE HAWAIʻI CAPITAL CULTURAL COALITION," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 621, transmitting H.C.R. No. 297, SD 1, entitled: "SENATE [*sic*] CONCURRENT RESOLUTION REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE DEVELOPMENT CAPACITY AND STEM INITIATIVES," which was adopted by the Senate on April 19, 2010.

Sen. Com. No. 622, dated April 19, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bills:

S.B. No. 2454, SD 2, HD 1	Senator(s) Takamine added as conferee(s).
S.B. No. 2527, SD 2, HD 2	Senator(s) Kim added as Co-Chair(s).

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Awana introduced Mr. Alfred Herrera, President of the Children's Alliance of Hawaii.

ORDER OF THE DAY

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, please note that per Committee Referral Sheet No. 75, HR No. 25 has been re-referred solely to the Committees on Human Services and Health; HR No. 227 has been re-referred solely to the Committee on Hawaiian Affairs; and SCR No. 201 has been re-referred solely to the Committee on Labor and Public Employment.

"The Committees on Tourism, Culture, & International Affairs, Finance, and Judiciary waived their referral to these respective measures, and therefore it is appropriate for the House to consider action for adoption."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 25, H.R. No. 227, and S.C.R. No. 201. (Representatives McKelvey, M. Oshiro and Takai were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 952-10 and 1240-10, recommending referral to the Committee on Tourism, Culture, & International Affairs; and Standing Committee Report No. 1360-10, recommending referral to the Committee on Judiciary, seconded by Representative Evans and carried. (Representatives McKelvey, M. Oshiro and Takai were excused.)

UNFINISHED BUSINESS

H.R. No. 25:

Representative B. Oshiro moved that H.R. No. 25, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict for HR No. 25. At my law firm we do represent some migrants from the Compact, but I'm not involved in that case. Thank you," and the Chair ruled, "no conflict."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations and will submit some written comments."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to H.R. 25 which strongly urges the United States Department of the Interior and the Congress to provide additional federal aid to the State of Hawaii for the provision of various state services to migrants from the Compact of Free Association Nations.

"The cost to the State to provide various State services to the Compact of Free Association migrants continues to increase each year. I believe the federal government must address the issue of additional federal support for the State so that we can continue providing State services to these migrants; however, I question this resolution for its request to provide a dialysis and chemotherapy center in Micronesia and all areas within the Compact of Free Association. We must look at these centers as a whole process and question how much the construction and operation of these centers would cost our State and country.

"In this current economic crisis, we can barely pay for our own citizens, which makes it seem as if we are jumping the gun to extend our services overseas. This request needs to be scrutinized in a finance committee before it is adopted so we can study the costs associated with such a request. Thank you."

Representative Ward rose to speak in support of the measure, stating:

"In support, Mr. Speaker. And I will submit written comments."

Representative Mizuno rose to speak in support of the measure, stating:

"I'm in support of House Resolution No. 25, Mr. Speaker. The State of Hawaii expends over $100 million a year for our COFA migrants. This resolution is simply to ask Congress to provide adequate funding to Hawaii.

"We only get about $10 to $11 million a year reimbursed by the federal government. We think it's fair that they come up with their fair share, and so that's all the resolution is asking for. And also to see if we can have dialysis treatment centers in Micronesia, as well as chemotherapy centers in Micronesia. That's it, it's quite simple. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Mr. Speaker, I guess I'll just withdraw my written comments and I'll just say a little bit now. Thank you. Mr. Speaker, I actually agree with half of the resolution. The difficulty that I have and my reservation is this request to the United States Congress to provide dialysis and chemotherapy centers in Micronesia and all areas within the Compact of Free Association Nations, Mr. Speaker.

"We're already not getting reimbursed from the feds to us as a state, and then on top of this we're going to go ahead and ask them to provide these services for all of the Compact areas. Mr. Speaker, I can understand why we would request for reimbursement. I think by asking for even more when at a time when we federally or locally don't have very much money to give that we should focus on being reimbursed for the obligations that we have locally. Thank you."

Representative Marumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Congress and the federal government owe us. Hawaii should be reimbursed for what COFA immigrants cost Hawaii. Our State government should be paid, not only for medical/welfare costs that they incur and that are borne by the people of Hawaii, but for public education – lower and higher education, not to mention adult education that COFA immigrants utilize. They are also provided related services, such as job training, English classes, and many other amenities provided to our own State residents.

"Hawaii has welcomed COFA emigrants despite the burden on our people. But it is really the federal government that is obligated to underwrite the care for those Pacific Islanders in particular who suffered as a result of past nuclear testing. Hawaii is adversely affected by longstanding federal treaties because of Department of Defense and Department of Interior policies that allow COFA residents unfettered entrance into Hawaii, Guam and the mainland. Because of the relatively small size, Hawaii and Guam bear the brunt of their emigration.

"Many Pacific Islanders enter Hawaii without knowledge of English. They lack higher education and have few job skills. Their cultures have different values in private ownership and work habits compared to Hawaii's fast-paced business practices.

"I cannot stress more strongly that the federal government should help pay for the provision of necessary government services. Others have stated as much. During his term of office, former Governor Ben Cayetano pressed this argument. Our congressional delegation has, in my opinion, not worked as diligently as they might have, to recompense Hawaii agencies that have underwritten the education and care of these new residents. I ask that they renew their efforts to help COFA immigrants by helping local taxpayers."

Representative Manahan rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. I'd also like to give just a brief rebuttal to the issue of the federal funding that we're not getting. I did find out in a hearing that apparently our Department of Human Services is not trying to lobby hard enough for this federal funding. I think their response to new people who are enrolling in these types of programs, insurance programs, especially for COFA migrants are at a disadvantage because they're just not taking new enrollments. That is in their testimony. Thank you."

Representative Wakai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wakai's written remarks are as follows:

"The federal government has shirked its responsibilities for decades. When will it end? The feds have allowed the free migration of those from the Federated States of Micronesia and the Republic of the Marshall Islands into the United States, but have never fully compensated Hawaii for the impact of their presence. Hawaii spends more than $120 million on medical insurance, education and other benefits for people from the Freely Associated States. In return we are given just $11 million in reimbursement.

"These Pacific Islanders arrive on our shores due mainly to a lack of adequate healthcare and economic opportunities. Those with chronic illnesses will die in their homes unless they migrate to Hawaii hospitals. There is no private sector to speak of in these Pacific Islands, so their options are to work for the government or leave. Hawaii is already burdened with providing adequate services to his people. We can no longer accept more Micronesians without compensation. Our budget is crumbling under the weight of this added burden.

"It is irresponsible for the feds to roll out the welcome mat for those who were subjected to American aggression, then force the people of Hawaii to pay for those amends. I support this resolution to compel those in Washington DC to properly fund the impact of Micronesian migration to Hawaii."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, in support. I have done some work in these areas; I don't anymore, with rural utility service funding from USDA. There's a lot of money that goes back to Washington and we should be spending it. We should be spending it on these nations that we did a lot to destroy during the war. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, in support with some written comments. I just think we ought to remember the history of these islands and our responsibility to them. Thank you."

Representative M. Lee's written remarks are as follows:

"I rise in support of the measure. The Compact of Free Association came about when three sovereign nations, the Federated States of Micronesia, Marshall Islands and Palau voluntarily gave up their autonomy to the United States and have their national defense and other parts of government regulated by United States laws.

"These islands were used for target practice for years and the poor health status of many of the residents is thought to be associated with depleted uranium deposits left by the practices of these years. The countries have essentially no economic activity except for government and their history is a sad commentary on the governance provided by our country.

"Some would allege the Compact has undertones of racism as they are under the rule of a government far away with European roots and the residents of the Compact are heavily Pacific Islanders.

"Nevertheless, we have an obligation to these states to support and protect them, as well as to help them reach a more independent status in the future and to provide adequate medical care."

Representative Ward rose to respond, stating:

"Mr. Speaker, I wish to withdraw my written comments and say a few things in favor of this resolution. Mr. Speaker, this reso needs to be brought up every year. Year after year we need to remind Congress of the obligations. We need to know that in that agreement we promised the Micronesians they could freely move throughout the United States, and as any other citizen would be treated, so could they. As my good friend from Mililani indicated, they went through 12 years of the equivalent of the Hiroshima blast, year by year, hundreds of times, hundreds of atomic explosions. So there is an obligation to watch over them.

"But in terms of the overall condition of Micronesia, having been a United Nations consultant there, the economy is basically government. 70% of the economy is either a transfer payment or welfare payment or some kind of an aid if you will to keep the government afloat. It has no private sector is the bottom line. So what we are trying to do by getting payments from the federal government, the federal government can't even fund Micronesia enough to have its own economy. To have a country without an economy is not really much of a country, but we're trying to help as much as possible and this is the reso that every year we have to keep reminding them, get back to the Micronesians and help them to do what they need to do to survive. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 25, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was adopted, with Representatives M. Oshiro and Takai being excused.

H.R. No. 227:

Representative B. Oshiro moved that H.R. No. 227, be adopted, seconded by Representative Evans.

Representative Awana rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in strong support. The tradition of native Hawaiian tattooing has been present here in the Hawaiian Islands for hundreds of years, long before the introduction of western influence.

"Nationally recognized Keone Nunes, the *kahuna kakau* best states this about traditional Hawaiian tattooing: "If people want to get a tattoo just because they want it, I will say no. If they want it for their journey and growth of their own understanding of their family and who they are, I'll consider it. I don't want to tattoo the world. I want to tattoo the people that are more aware of the significance of their tattoo."

"Not only is traditional Hawaiian tattooing an art form, within the Hawaiian community it is a practice that expresses who we are, where we come from and what we stand for as a native people. I truly appreciate the support from Members on this resolution."

Representative Sagum rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support of the resolution in recognition of *kakau* (or tattoo) as a *Kanaka* or Hawaiian practice. Polynesians rely on *kakau* and other adornments to communicate rank and status, for cultural resistance, revival and identity."

The motion was put to vote by the Chair and carried, and H.R. No. 227, entitled: "HOUSE RESOLUTION RECOGNIZING TRADITIONAL HAWAIIAN TATTOOING AS AN ART FORM," was adopted, with Representatives M. Oshiro and Takai being excused.

S.C.R. No. 201:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 201, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO ADOPT RULES TO PROHIBIT ABUSIVE WORK ENVIRONMENTS," was adopted, with Representatives M. Oshiro and Takai being excused.

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1372-10) recommending that S.C.R. No. 108, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 108, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH A CONSISTENT FUNDING FORMULA, PROCESS, OR BOTH, BY WHICH EQUITABLE FUNDING TO CHARTER SCHOOLS IS DETERMINED," was adopted, with Representatives M. Oshiro and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1373-10) recommending that S.C.R. No. 140, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 140, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO KPMG'S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT'S OPERATIONS AND WORKFLOW," was adopted, with Representatives M. Oshiro and Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1374-10) recommending that S.C.R. No. 195, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 195, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INCORPORATE SIGN LANGUAGE AND OTHER COMMUNICATION STRATEGIES DURING INSTRUCTION TO ENHANCE THE LEARNING OF CHILDREN WITH COGNITIVE AND OTHER DISABILITIES," was adopted, with Representatives M. Oshiro and Takai being excused.

CONFERENCE COMMITTEE REPORTS

Representative Takumi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2077, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 9-10) recommending that H.B. No. 2077, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-10 and H.B. No. 2077, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Morita, Herkes, Karamatsu and Coffman, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2631, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 10-10) recommending that H.B. No. 2631, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-10 and H.B. No. 2631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," was deferred for a period of 48 hours.

Representatives Rhoads and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2533, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 11-10) recommending that H.B. No. 2533, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-10 and H.B. No. 2533, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," was deferred for a period of 48 hours.

Representatives Rhoads, Herkes and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2566, HD 2, presented a report (Conf. Com. Rep. No. 58-10) recommending that S.B. No. 2566, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-10 and S.B. No. 2566, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives M. Oshiro and Takai were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives M. Oshiro and Takai were excused.)

H.B. No. 2897, HD 1, (SD 1)

H.B. No. 2897, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2897, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Final Reading by a vote of 49 ayes, with Representatives M. Oshiro and Takai being excused.

At 11:51 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2897, HD 1, SD 1

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representatives Finnegan and Brower introduced students from Voyager Public Charter School. They were accompanied by parents, Ms. Janet Ishoi and Ms. Naomi Baretto; and teacher, Ms. Bonny Chikamori,

Representative Ward introduced his constituent, Mr. Sam King.

Representative Pine introduced her friends, Mr. and Mrs. Caldarone.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives M. Oshiro and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2297, HD 2, (SD 2)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives M. Oshiro and Takai were excused.)

ANNOUNCEMENTS

Representative Evans: "Thank you, Mr. Speaker. Today represents how far into 2010 women must work to earn what men earned in 2009. Today is Equal Pay Day.

"Women continue to earn on average, 77 cents on the dollar to their male counterparts according to the Bureau of Labor Statistics. And with women now making up half the workforce and more families are dependent on a woman's paycheck, pay equity is more important than ever. May I have permission to submit additional comments. Thank you, Mr. Speaker."

Representative Evans' written remarks are as follows:

"The American Federation of Labor and Congress of Industrial Organizations highlights some facts about working women in Hawaii:

- According to the Census Bureau's survey of men's and women's earnings in 2008, the ratio of women's earnings to men in Hawaii was among the highest in the nation at about 80.5 percent.
- However, the rate of progress in closing our State's wage gap is slower than average. Hawaii ranks 34th among states in closing the hourly wage gap.
- At the current rate of change, Hawaii's working women won't have equal pay until after 2050.

"Gender wage discrimination has been illegal since President Kennedy signed the Equal Pay Act in 1963, yet the wage gap persists. Millions of women continue struggling today to make ends meet while doing same jobs as men under similar working conditions with equal skill, effort and responsibilities. According to the National Women's Law Center, the average Hawaii woman must receive a bachelor's degree before she can earn as much as the average Hawaii male high school graduate.

"Pay equity is not just a woman's issues; it is a family issue. Lower income for women makes it more difficult for them to make ends meet. When women get equal pay, their family income rises and the entire family benefits.

"We can achieve equal pay. With education and advocacy, we can progress towards women getting paid equally for similar jobs."

Representative Berg: "Thank you Mr. Speaker. Just an informal announcement to our colleagues. I have a legislative intern who is about to graduate with a sociology degree from the University of Hawaii. She'll be going around to the offices asking you to consider the possibility of filling out an informal, unofficial survey so that she can get some data for her last final paper. Her name is Any Popovich and she's from my office. We'll be also sending a memo out via email to your office managers. Thank you."

ADJOURNMENT

At 11:56 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 21, 2010. (Representatives M. Oshiro and Takai were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 20, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 532, SD 1, HD 1 — Discharged Representative Souki.

House Communication dated April 20, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2297, HD 2, SD 2

House Communication dated April 20, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2897, HD 1, SD 1

FIFTY-FOURTH DAY

Wednesday, April 21, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:36 o'clock a.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all Members present with the exception of Representatives Har, M. Oshiro, Takai and Wooley, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Third Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 250 through 254) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 250, informing the House that on April 20, 2010, the following bill was signed into law:

H.B. No. 134, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING." (ACT 038)

Gov. Msg. No. 251, informing the House that on April 20, 2010, the following bill was signed into law:

H.B. No. 2027, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS." (ACT 039)

Gov. Msg. No. 252, informing the House that on April 20, 2010, the following bill was signed into law:

H.B. No. 2383, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS." (ACT 040)

Gov. Msg. No. 253, informing the House that on April 20, 2010, the following bill was signed into law:

S.B. No. 2122, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH." (ACT 041)

Gov. Msg. No. 254, informing the House that on April 20, 2010, the following bill was signed into law:

S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 042)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 623 and 624) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 623, dated April 20, 2010, informing the House that the Senate has on April 19, 2010, reconsidered its action taken on April 8, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2323, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Sen. Com. No. 624, dated April 20, 2010, informing the House that the Senate has made the following changes to the Senate Conferee assignments for the following bill:

S.B. No. 2849, SD 2, HD 1 — Senator(s) Kokubun added as conferee(s).

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Rhoads introduced Mr. Grigory Vasilievich Fandeev, Parliament member of the Republic of Karelia, Russia who is currently in Senate President Hanabusa's office on an NCSL Exchange program.

Representative Wakai introduced students from the Tokai University in Honolulu, and their teacher, Mr. Jeff Bingham Mead.

At 11:41 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:42 o'clock a.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills and Senate Bills for Final Reading by consent calendar. (Representatives Har, M. Oshiro, Takai and Wooley were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 8-10 and H.B. No. 1862, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1862, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against House Bill 1862. Mr. Speaker, this bill is continuing the work of this Legislature to criminalize an activity which I don't condone, but to criminalize it without paying any attention to the fact that the City and County has not provided adequate public restrooms.

"For those people who can walk into Macy's or can walk into a restaurant, this isn't an issue. But for those people who wouldn't be welcomed in those locations, it is an issue. We lack the public facilities for the public. The unfortunate thing about this bill is, and I could have supported it if it had provisions in it for this task force to look at what is the obstacle for creating the public restrooms. You can't say to some of these people, 'You can go to the police department down there,' because many of those people don't look at the police or that office as a comfortable place to go. Other facilities aren't open for them. We've even heard stories about tourists coming off the ships and coming into the Chinatown area and bemoaning the lack of any public facilities.

"So I think that we really went the wrong way with this measure. The task force I hope would voluntarily take a look at why we don't have public restrooms down in this area that is so heavily used by so many people with this large population. You go to many other cities and you don't find the lack of public restrooms that we have here. You don't find a public park that the City put together without any restroom in it.

"So I just can't support this legislation. I've opposed it before, I oppose it again. Somehow the message isn't getting through to the City to say, 'Let's

get moving. Let's get some public facilities in place, and don't build parks without restrooms that are kept open.' Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am in favor of this measure however I do have reservations. Similar to the previous speaker, I do not condone using the streets as a bathroom and I do believe we need more facilities. Having traveled to some foreign nations, I've noticed that there are very small public urinals for men available on the streets and they take up less space than a phone booth. I certainly would encourage the City or the State government to look into these conveniences. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1862, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Thielen voting no, and with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Conf. Com. Rep. No. 55-10 and S.B. No. 2187, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2187, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you. And if colleagues would just beg my indulgence for a few moments. Many of you have asked me why I have consistently voted in opposition to this measure. Initially, I opposed this bill because it gives the HTA the authority to withhold from public disclosure competitively-sensitive information including surveys, questionnaire forms, coding sheets, database records of information.

"On the surface Mr. Speaker, the list seems like a small adjustment, particularly in light of the huge task that HTA has to present Hawaii in new creative ways that will invite visitors to travel at this time in the world's economic market. My initial concerns had to do with transparency and communication, information to the public, and also to ourselves. But with each Crossover and every time the bill was before us, more has been revealed to me about the Hawaii Tourism Authority, it's operation, and the need for even more attention by us, the monetary conduit for HTA.

"My concerns were particularly exacerbated when I read the January '09 Auditor's Report of the HTA in which the observation was made that in the last five years since the previous audit, HTA has spent nearly $270 million in State funds or 90% of its marketing funds to attract visitors from North America and Japan. Without a strategic plan that maps out the long term goals and processes to assess the accomplishments of its major contractors, the Authority's Board of Directors is unable to demonstrate that the promotional dollars have been spent purposefully and effectively. By failing to define its own strategies and account for its efforts, the Authority has not fulfilled its leadership role to manage Hawaii tourism in a sustainable manner during these times of economic decline or prosperity. The Authority's failure to establish clear objectives and account for its own activities, expands to major contractors.

"I find this observation particularly troubling. It's true that the HTA has presented a PowerPoint presentation of its goals, but at this time of uncertainty Mr. Speaker, economically I would like to encourage our colleagues to be much more discerning in this particular bill. It is not specifically a money bill and that's why I know we're moving it forward. However, changing the requirements of HTA from developing measures of effectiveness to assess the benefits according to the employment rate, the state taxes, the lesser known and undeveloped destinations, to only requiring them to progress on whether or not their marketing plans have reached their goals, I think is contradicting actually to what the mission of HTA is. If the measures of effectiveness are focused only on plans, I think that we're missing the mark.

"So I went online Mr. Speaker, to take a look at the HTA website. I put my name in for information on their email address a couple weeks ago and still haven't received a response from them. I looked at the Director's Board of Agenda, the meetings and agendas - there's nothing posted. So with a $88 million budget Mr. Speaker, for this fiscal year '09-'10, and only having spent $67 million so far, and only having $269,000 reduction in their budget because of furloughs, I have misgivings about this bill at this time. Maybe I would feel better if they could give $250,000 to the Early Learning Council, or maybe $1 million for a SHPD audit, or maybe help with the agricultural inspectors. I'm troubled by the budget and I know that there is much we have to learn about HTA, but I urge my colleagues to be discerning in this particular bill. Thank you, very much."

Representative Manahan rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing support of this measure. Mr. Speaker, as mentioned, this bill just simply tries to keep proprietary sensitive marketing information for a limited time and not in perpetuity. After a while the information can be released. However, because the HTA is a quasi-public, semi-autonomous entity that also conducts business, there is sensitive marketing information that can be potentially damaging if our competition is privy to it at a certain point in time. So it's a timing thing. It's a timing issue.

"As far as the previous speaker's concerns regarding the audit, I think those have been adequately addressed by the Board. They are working on their strategic plan and actually what this bill does is continue their efforts, as far as maintaining their measures of marketing effectiveness, as well as making it cohesive with their current strategic plan, which they are working on. Please, if you could allow me to insert additional written comments in support. Thank you."

Representative Manahan's written remarks are as follows:

"Your Committee on Tourism, Culture, & International Affairs, to which was referred S.B. No. 2187, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," begs leave to report as follows:

"The purpose of this bill is to improve Hawaii's tourism industry and the administration of the Hawaii Tourism Authority (HTA) by:

(1) Authorizing HTA to maintain confidentiality of certain sensitive information;

(2) Directing HTA to develop program performance goals and targets that can be monitored as market gauges and used as attributes to evaluate their promotions;

(3) Conforming reporting requirements for contracts or agreements entered into by HTA to current practices; and

(4) Making permanent statutory provisions that exempted HTA accounts from the supervision of the Comptroller and authorized the use of up to five percent of moneys in the Tourism Special Fund (TSF) for administrative expenses.

"HTA and Hawaii Hotel and Lodging Association supported this bill. The Tourism Liaison and Office of Information practices provided comments.

"Your Committee has amended this bill by:

(1) Adding provisions that allow marketing information to be disclosed after the marketing plans and strategies are executed;

(2) Specifying that HTA executive meetings must adhere to the Sunshine Law under Chapter 92, Hawaii Revised Statutes;

(3) Extending, instead of making permanent, statutory provisions that exempted HTA accounts from the supervision of the Comptroller and authorized the use of up to five percent of moneys in the TSF for administrative expenses; and

(4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

"As affirmed by the record of votes of the members of your Committee on Tourism, Culture, & International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2187, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2187, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

"Additionally, the Representative from the 18th District had every opportunity to voice her concerns about the bill on March 8th, 2010 at the hearing held by the Tourism, Culture & International Affairs Committee, of which she is a member. As the voting record shows, she was absent from the hearing, and rather than voicing her concerns during the hearing, she chose to voice her concerns during Final Reading which leads me to believe she is campaigning on the Floor."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2187, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Berg voting no, and with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Conf. Com. Rep. No. 56-10 and S.B. No. 2441, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2441, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Final Reading by a vote of 47 ayes, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Conf. Com. Rep. No. 57-10 and S.B. No. 2607, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2607, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Final Reading by a vote of 47 ayes, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

At 11:53 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1862, HD 1, SD 1, CD 1
S.B. No. 2187, SD 1, HD 2, CD 1
S.B. No. 2441, SD 2, HD 2, CD 1
S.B. No. 2607, SD 2, HD 1, CD 1

STANDING COMMITTEE REPORTS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1375-10) recommending that H.R. No. 205, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 205, HD 1, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on Stand. Com. No. 1375. This is a resolution about what the public can see, and about what we do in the confines of this building. Mr. Speaker, transparency and openness are the hallmarks of a strong democracy. Stated differently, we can't be too open, we can't be too transparent, we can't show them too much of what we do because the more that they know, the more open and vibrant a democracy is.

"What we've got with Capitol TV I think is good, but I have a vision that someday we're going to be like C-SPAN. We're going to have all hearings, all the time, for all the people, whenever they want it. They can fall asleep because a lot of it's boring obviously. But C-SPAN at least gives them the opportunity. We should be pushing the envelope to bring C-SPAN to the State of Hawaii.

"The second thing I envision, and I know I've said this many, many times, is a bipartisan approach to what media, channels or whatever the public view of what we're doing in the State of Hawaii in the Legislature. So it's not just a one man show. And I say that with all due respect in that the Speaker has all control of what is seen and what is not seen in the State Legislature. So Mr. Speaker, with the limited coverage and the limited lack of bipartisanship I have to have reservations about this, but still have the vision that it'll happen someday.

"I find it a great honor to be speaking in front of a man from Russia. I find the lessons that they are teaching us by practicing democracy and openness even more so than sometimes in our own country or even in this State. It's a great honor to be speaking before him because they know by experience when there is no transparency and there's only a few people making decisions for everybody, we get in danger and we get in trouble with democracy. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition [*sic*] to H.R. 205 – which establishes policies for the legislative broadcast program's cablecasts of House of Representative's proceedings.

"While I understand the intention of this measure, in view of what has happened this year, whereby votes were miscounted on a Minority member's bill and the mistake only caught on Minority Caucus' cameras, it appears this subject needs revisiting. I enter into record the Opinion article from the *Honolulu Advertiser* dated March 5, 2010 entitled "Legislators: Stand up and be Counted" by Common Cause, League of Women Voters of Hawaii, and others.

"Although changes have been made to the original measure, I still worry about the transparency of our sessions because of the wording which states that "all public committee hearings, legislative sessions, and other legislative proceedings shall be authorized for programming and selected by the Speaker of the House of Representatives or the Speaker's designee." I kindly ask that these individuals that authorize programming be cognizant of the fact that it is the public's right to be able to listen and watch all proceedings.

"I feel we should protect the public's right to access and not curb in anyway the minority's broadcast. The language of this measure does not adequately protect the rights of the minority and seems questionable. People should be allowed to tape hearings or Floor sessions. The public should never be denied access in a place that belongs to them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 205, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 1376-10) recommending that S.C.R. No. 172, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 172, SD 1, be adopted, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE HAWAII PAROLING AUTHORITY TO IDENTIFY UP TO FIVE HUNDRED NON-VIOLENT INMATES WHO COULD BE INVOLVED IN A DAY REPORTING CENTER, BE MONITORED VIA TWENTY-FOUR HOUR/SEVEN DAYS A WEEK GPS ELECTRONIC MONITORING, BE INCLUDED IN AN EXTENDED WORK FURLOUGH PROGRAM, AND/OR BE ELIGIBLE FOR AN EARLY RELEASE PROGRAM," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 1377-10) recommending that S.C.R. No. 180, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 180, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT OF THE WIRELESS ENHANCED 911 FUND," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 1378-10) recommending that S.C.R. No. 190, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 190, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CORRECTIONS POPULATION MANAGEMENT COMMISSION TO RESUME ITS MEETINGS AND TO MEET AT LEAST QUARTERLY," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 1379-10) recommending that S.C.R. No. 191, SD 1, be adopted; and

(Stand. Com. Rep. No. 1380-10) recommending that S.C.R. No. 192, SD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that S.C.R. No. 191, SD 1; and S.C.R. No. 192, SD 1, be adopted, seconded by Representative Evans.

Representative Pine rose to speak in support of both measures with reservations, stating:

"I just want to note my reservations on these measures. The reason I have reservations is the Department of Public Safety said they that would love to do both of these, but really in reality, they just don't have the additional funds to do so."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 191, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused; and

S.C.R. No. 192, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was adopted, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

CONFERENCE COMMITTEE REPORTS

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1190, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 12-10) recommending that H.B. No. 1190, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12-10 and H.B. No. 1190, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2020, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 13-10) recommending that H.B. No. 2020, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-10 and H.B. No. 2020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1854, SD 2, presented a report (Conf. Com. Rep. No. 14-10) recommending that H.B. No. 1854, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-10 and H.B. No. 1854, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Carroll, McKelvey and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2676, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 15-10) recommending that H.B. No. 2676, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15-10 and H.B. No. 2676, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," was deferred for a period of 48 hours.

Representatives Morita and Coffman, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2239, SD 2, presented a report (Conf. Com. Rep. No. 16-10) recommending that H.B. No. 2239, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-10 and H.B. No. 2239, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred for a period of 48 hours.

Representatives Hanohano, Ito, Karamatsu and Aquino, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House in S.B. No. 950, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 59-10) recommending that S.B. No. 950, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-10 and S.B. No. 950, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2449, HD 1, presented a report (Conf. Com. Rep. No. 60-10) recommending that S.B. No. 2449, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-10 and S.B. No. 2449, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Ito and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2019, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 61-10) recommending that S.B. No. 2019, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-10 and S.B. No. 2019, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," was deferred for a period of 48 hours.

Representatives Morita, Cabanilla and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2817, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 62-10) recommending that S.B. No. 2817, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-10 and S.B. No. 2817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," was deferred for a period of 48 hours.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Har, M. Oshiro, Takai and Wooley were excused.)

H.B. No. 2297, HD 2, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for said measure had been received which indicated that a quorum was present at decision making, and that the requisite number of House Conferees appointed had cast affirmative votes to report said measure to the Floor.

H.B. No. 2297, HD 2, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2297, HD 2, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Karamatsu, Wakai and Pine). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2297, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Final Reading by a vote of 47 ayes, with Representatives Har, M. Oshiro, Takai and Wooley being excused.

At 11:59 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2297, HD 2, SD 2

ANNOUNCEMENTS

Representative Nishimoto, for the Committee on Health requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Thursday, April 22, 2010, at 11:00 a.m. in Conference Room 229, and the Chair "so ordered."

S.C.R. No. 150, Proclaiming September 26, 2010, as Mesothelioma Awareness Day.

ADJOURNMENT

At 12:00 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 22, 2010. (Representatives Har, M. Oshiro, Takai and Wooley were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2297, HD 2, SD 2

House Communication dated April 21, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 1862, SD 1, CD 1, CD 1
S.B. No. 2187, SD 1, HD 2, CD 1
S.B. No. 2441, SD 2, HD 2, CD 1
S.B. No. 2607, SD 2, HD 1, CD 1

OTHER COMMUNICATIONS

"April 21, 2010

MEMORANDUM

TO:	Senator Clayton Hee	Representative Mele Carroll
	Senator Donna Mercado Kim	Representative Ken Ito
	Senator Norman Sakamoto	Representative Marcus R. Oshiro
	Senator Carol Fukunaga	Representative Sharon E. Har
	Senator Fred Hemmings	Representative Gene Ward

FROM: Colleen Hanabusa /s/
Senate President

Calvin K.Y. Say /s/
Speaker of the House

Effective immediately, Rule 1(a) of the Joint Senate-House 2010 Committees on Conference Procedures, prohibiting the insertion of

unrelated or new subject matter is hereby waived as it applies to HB 1015 HD1 SD2 only.

cc: All Senate Members
Senate Majority Research
Senate Minority Research
Senate Chief Clerk
All House Members
House Majority Staff Office
House Minority Research
House Chief Clerk"

FIFTY-FIFTH DAY

Thursday, April 22, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 6:36 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by former Representative, Mr. Alfred Lardizabal, after which the Roll was called showing all Members present with the exception of Representative M. Oshiro, who was excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Forty-First and Forty-Second Days were approved. (Representative M. Oshiro was excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 255 through 258) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 255, informing the House that on April 21, 2010, the following bill was signed into law:

H.B. No. 2136, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS." (ACT 043)

Gov. Msg. No. 256, informing the House that on April 21, 2010, the following bill was signed into law:

H.B. No. 1927, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS." (ACT 044)

Gov. Msg. No. 257, informing the House that on April 22, 2010, the following bill was signed into law:

S.B. No. 2137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS." (ACT 045)

Gov. Msg. No. 258, informing the House that on April 22, 2010, the following bill was signed into law:

S.B. No. 2649, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS." (ACT 046)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 625 through 627) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 625, dated April 21, 2010, informing the House that the Senate has on April 20, 2010, agreed to the amendments proposed by the House to the following Senate Concurrent Resolution, and that said resolution was this day adopted by the Senate:

S.C.R. No. 93, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO REVIEW THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE."

Sen. Com. No. 626, dated April 21, 2010, informing the House that the following bills have this day passed Final Reading:

H.B. No. 1862, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER."

S.B. No. 2187, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

S.B. No. 2441, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES."

S.B. No. 2607, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS."

Sen. Com. No. 627, transmitting H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES," which was adopted by the Senate on April 21, 2010.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.B. No.	Re-referred to:
1808, HD3, SD1	Committee on Energy & Environmental Protection, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

S.B. No.	Re-referred to:
2491, SD2, HD1	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, Conference Committee Reports Nos. 9-10, 10-10, 11-10 and 58-10 will be deferred until Monday, April 26."

Conf. Com. Rep. No. 9-10 and H.B. No. 2077, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 10-10 and H.B. No. 2631, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 11-10 and H.B. No. 2533, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 58-10 and S.B. No. 2566, HD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1381-10) recommending that H.R. No. 136, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 136, HD 1, be adopted, seconded by Representative Evans.

Representative Herkes rose to speak in support of the measure, stating:

"Mr. Speaker, in very strong support. This deals with Hawaiian Ocean View Estates which is in the Kahuku district of Hawaii Island and in my district. About 6,000 people live in Ocean View. They are in the middle of a 30 mile stretch with no potable water, no pipe water, and it's about a 27 mile round trip to the nearest water spigot.

"About 12 to 14 years ago there was money in the budget to develop a water well and system for Ocean View, but then-Governor Cayetano would not release the money. During the 2005 Session, $6 million was put in the budget for a water well and system for Ocean View. Governor Lingle released the money in April of 2006. So Mr. Speaker, that was four years ago.

"First, they had to do a test well. USGS was charged with that and they drilled about two or three times a week. They finally completed it, but you can't use a test well for a production well. So we had to start all over and the decision was made to drill *mauka* of the highway. The well was completed about two years ago and it just sits there.

"Since then the Hawaii County Department of Water Supply has hired a company to design, build and complete the system. This company, Bolton Inc., has made significant changes to the design, much of which is contrary to the original design and the EA that the community supported. The changes are significant and the community was not advised or given an opportunity to comment on the changes. The community is very angry and very frustrated. So am I.

"Our job as elected officials is to support and protect the community and the taxpayers; not the Department of Water Supply. I thank all of the 11 of you that voted for this resolution in Committee the other day and I hope that this will be adopted on the Floor. And then a demand letter will be sent to the Mayor of Hawaii County because that's where the money went. The decision was made to hire the Department of Water Supply and there will be some very pertinent questions and we will ask for a response in writing. Then we'll investigate after that if we have to. I support this resolution."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I would just like to support the words of the colleague from Ka'u and I'd like to adopt them as if they were my own."

Representative Thielen rose to speak in support of the measure, stating:

"Also in strong support, Mr. Speaker. And I would like to support the words of the Chair of CPC. And I was present at that hearing."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 136, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING AN INVESTIGATIVE COMMITTEE TO INVESTIGATE THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY," was adopted, with Representative M. Oshiro being excused.

At 6:44 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:45 o'clock p.m.

CONFERENCE COMMITTEE REPORTS

Representatives Hanohano and Aquino, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2266, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 17-10) recommending that H.B. No. 2266, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-10 and H.B. No. 2266, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Representatives Hanohano, Karamatsu and M. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1987, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 18-10) recommending that H.B. No. 1987, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-10 and H.B. No. 1987, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representatives Tsuji, Morita, Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1684, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 19-10) recommending that H.B. No. 1684, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-10 and H.B. No. 1684, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was deferred for a period of 48 hours.

Representatives McKelvey and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2289, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 20-10) recommending that H.B. No. 2289, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-10 and H.B. No. 2289, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2283, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 21-10) recommending that H.B. No. 2283, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-10 and H.B. No. 2283, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1863, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 22-10) recommending that H.B. No. 1863, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-10 and H.B. No. 1863, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1992, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 23-10) recommending that H.B. No. 1992, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-10 and H.B. No. 1992, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE INTERMEDIATE APPELLATE COURT," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2595, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 24-10) recommending that H.B. No. 2595, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24-10 and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred for a period of 48 hours.

Representatives Hanohano, Carroll and Aquino, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1818, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 25-10) recommending that H.B. No. 1818, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-10 and H.B. No. 1818, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," was deferred for a period of 48 hours.

Representatives Herkes, Karamatsu and Ito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2288, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 26-10) recommending that H.B. No. 2288, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-10 and H.B. No. 2288, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," was deferred for a period of 48 hours.

Representatives Morita and Coffman, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2497, SD 1, presented a report (Conf. Com. Rep. No. 27-10) recommending that H.B. No. 2497, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-10 and H.B. No. 2497, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Karamatsu and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2150, HD 1, presented a report (Conf. Com. Rep. No. 63-10) recommending that S.B. No. 2150, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-10 and S.B. No. 2150, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," was deferred for a period of 48 hours.

Representatives Takumi, Chang and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2257, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 64-10) recommending that S.B. No. 2257, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-10 and S.B. No. 2257, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2256, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 65-10) recommending that S.B. No. 2256, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-10 and S.B. No. 2256, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred for a period of 48 hours.

Representatives McKelvey, Ito and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2169, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 66-10) recommending that S.B. No. 2169, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-10 and S.B. No. 2169, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," was deferred for a period of 48 hours.

Representatives McKelvey and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2020, HD 2, presented a report (Conf. Com. Rep. No. 67-10) recommending that S.B. No. 2020, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-10 and S.B. No. 2020, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was deferred for a period of 48 hours.

Representatives McKelvey, Wakai and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2545, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 68-10) recommending that S.B. No. 2545, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-10 and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representatives McKelvey, Manahan and Ito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2646, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 69-10) recommending that S.B. No. 2646, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-10 and S.B. No. 2646, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," was deferred for a period of 48 hours.

Representatives Ito, Tsuji and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 633, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 70-10) recommending that S.B. No. 633, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-10 and S.B. No. 633, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," was deferred for a period of 48 hours.

Representatives Hanohano, Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1059, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 71-10) recommending that S.B. No. 1059, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-10 and S.B. No. 1059,

SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representatives Tokioka and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1105, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 72-10) recommending that S.B. No. 1105, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-10 and S.B. No. 1105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2154, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 73-10) recommending that S.B. No. 2154, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-10 and S.B. No. 2154, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," was deferred for a period of 48 hours.

Representatives Herkes and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2472, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 74-10) recommending that S.B. No. 2472, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-10 and S.B. No. 2472, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred for a period of 48 hours.

Representatives Manahan, Wakai and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2643, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 75-10) recommending that S.B. No. 2643, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-10 and S.B. No. 2643, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred for a period of 48 hours.

At 6:46 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:46 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representative M. Oshiro was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 840, HD 1, (SD 1)
H.B. No. 2003, HD 3, (SD 2)
H.B. No. 2083, HD 1, (SD 2)
H.B. No. 2721, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bills. (Representative M. Oshiro was excused.)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans and carried: (Representative M. Oshiro was excused.)

H.C.R. No. 296, (SD 1)
H.C.R. No. 297, (SD 1)

At this time, the Chair stated:

"The Chair hereby appoints the following Members as conferees: Representatives McKelvey and Choy will serve as Co-Chairs, and Representatives Evans and Ward as members."

Representative Say rose and stated:

"Mr. Speaker, for the record, are the conferees for just one resolution or both resolutions?"

The Chair then stated:

"They are appointed for both. That is for H.C.R. Nos. 296 and 297. Thank you for asking that question."

ANNOUNCEMENTS

Representative Thielen: "Thank you Mr. Speaker. Happy Earth Day to everyone and I would also like to remind Members that tomorrow is probably about the 10th or 11th Hemp Aloha Shirt Friday and I hope everyone will wear natural fibers tomorrow in honor of Earth Day. Thank you."

Representative Souki, for the Committee on Conference on behalf of Senate Chairs English, Baker and Kim, and House Chairs Souki and M. Oshiro, requested a waiver of the 24-hour Conference Committee advanced notice requirement pursuant to Rule 13 of the Joint Senate/House 2010 Committee on Conference procedures, for the purpose of having a Conference on the following measure on Friday, April 23, 2010, at 5:55 p.m. in Conference Room 225, and the Chair "so ordered."

S.B. No. 1611, SD 2, HD 2, Relating to Highways.

Representative Evans: "Mr. Speaker, may I submit some comments regarding Earth Day in the Journal? Thank you. I really want to also just thank everyone out there across the State that are doing wonderful projects this week and this weekend honoring Earth Day and caring for our *aina*. Thank you, Mr. Speaker."

Representative Evans' remarks are as follows:

"Today we celebrate the 40th anniversary of Earth Day!

"Sen. Gaylord Nelson is the creator of Earth Day, which helped jumpstart the modern environmental movement. The first Earth Day spurred Congress into creating some of the most vital environmental legislation, including: the Clean Water Acts, the Federal Pesticides Act,

the Clean Air Act, and the Environmental Education Act. Later in 1970, President Richard Nixon and Congress established the U.S. Environmental Protection Agency, which would help repair existing damage to the environment and establish guidelines to make the environment cleaner and safer.

"Today we are challenged to create a healthier and more prosperous clean-energy economy for now and the future.

"President Obama said, "As we continue to tackle our environmental challenges, it's clear that change won't come from Washington alone." That change will come from us – from people all across the country taking action within their homes and communities to create a global green economy. Today can be a turning point to advance energy efficiency, renewable energy, and green jobs.

"During the month of April, Recycle Hawai`i and Earth-Friendly Schools Hawai`i co-sponsored "Caring for the Earth Month – A Billion Acts of Green" on the Big Island to celebrate this anniversary, which involved artists teaching students about the environment, hula demonstrations, and partnerships with museums and art institutions to raise environmental awareness through art.

"Today the Honoka‘a People’s Theater and Hawai'i Farmers Union on the island of Hawai'i invite the public to celebrate the earth, and this weekend on April 24, Earth Day fairs will be held at Pana'ewa Zoo and Kahalu'u Bay Beach Park .

"We should remember that every day is Earth Day and we can live a greener lifestyle each day. There are many ways we can do this:

- Plant trees, which helps to reduce greenhouse gas emission and to clear the pollution.
- Learn more about the environment and teach others about it. Make a commitment to see what more you can do to protect our Earth.
- Recycle. Support our local growers and producers. Take a cloth bag when you go shopping instead of using plastic bags.
- Help get rid of litter on our roadways, your neighborhood streets, and especially around the Capitol.
- Commute without polluting. Ride your bike or take the bus.

"We should remember – What we do today shapes what our earth will be like tomorrow."

Representative Mizuno, for the Committee on Human Services requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measure on Friday, April 23, 2010, at 11:00 a.m. in Conference Room 229, and the Chair "so ordered."

H.R. No. 240, proposed HD 1, Establishing an Investigative Committee to Investigate the Proposed Reorganization Plan and Purchase of Service Contracts of the Department of Human Services.

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Chong introduced Washington State Representative and Majority Whip, and Chair of the National Asian Caucus, Sharon Tomiko-Santos. She was accompanied by NCSL staff members, Ms. Linda Sikkema and Ms. Irene Kawanabe.

Representative Wooley introduced her constituent, Mr. Stephen Nagle of Kaaawa.

Representative Ching introduced Mr. Henry Curtis and Ms. Kat Brady of Life of the Land, in honor of Earth Day.

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Pine and carried. (Representative M. Oshiro was excused.)

RECESS

At 6:55 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 6:30 o'clock p.m. tomorrow, Friday, April 23, 2010. (Representative M. Oshiro was excused.)

SUPPLEMENTAL CALENDAR #1

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 28-10 through 40-10; and 76-10 through 94-10) were received by the Clerk prior to 12:00 o'clock midnight this legislative day:

Representatives Rhoads and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2919, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 28-10) recommending that H.B. No. 2919, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-10 and H.B. No. 2919, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2831, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 29-10) recommending that H.B. No. 2831, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29-10 and H.B. No. 2831, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1978, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 30-10) recommending that H.B. No. 1978, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-10 and H.B. No. 1978, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," was deferred for a period of 48 hours.

Representatives Mizuno, McKelvey and Brower, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2061, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 31-10) recommending that H.B. No. 2061, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-10 and H.B. No. 2061, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred for a period of 48 hours.

Representatives Souki and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 869, HD 1, SD 1, presented a report (Conf. Com. Rep.

No. 32-10) recommending that H.B. No. 869, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-10 and H.B. No. 869, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES," was deferred for a period of 48 hours.

Representatives Yamane and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2349, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 33-10) recommending that H.B. No. 2349, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-10 and H.B. No. 2349, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," was deferred for a period of 48 hours.

Representatives Yamane and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2575, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 34-10) recommending that H.B. No. 2575, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-10 and H.B. No. 2575, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," was deferred for a period of 48 hours.

Representatives Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2688, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 35-10) recommending that H.B. No. 2688, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-10 and H.B. No. 2688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives Morita, Ito and Tsuji, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2450, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 36-10) recommending that H.B. No. 2450, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-10 and H.B. No. 2450, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2725, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 37-10) recommending that H.B. No. 2725, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-10 and H.B. No. 2725, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," was deferred for a period of 48 hours.

Representatives Yamane and Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2661, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 38-10) recommending that H.B. No. 2661, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38-10 and H.B. No. 2661, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2397, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 39-10) recommending that H.B. No. 2397, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39-10 and H.B. No. 2397, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1212, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 40-10) recommending that H.B. No. 1212, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40-10 and H.B. No. 1212, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred for a period of 48 hours.

Representatives Morita and Coffman, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2231, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 76-10) recommending that S.B. No. 2231, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-10 and S.B. No. 2231, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," was deferred for a period of 48 hours.

Representatives Herkes and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2859, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 77-10) recommending that S.B. No. 2859, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-10 and S.B. No. 2859, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," was deferred for a period of 48 hours.

Representatives Herkes and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2697, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 78-10) recommending that S.B. No. 2697, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-10 and S.B. No. 2697, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives McKelvey, Herkes and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 506, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 79-10) recommending that S.B. No. 506, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-10 and S.B. No. 506, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Souki, Yamane and Awana, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2105, SD 2, HD 1, presented a report

(Conf. Com. Rep. No. 80-10) recommending that S.B. No. 2105, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-10 and S.B. No. 2105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," was deferred for a period of 48 hours.

Representatives Karamatsu and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2454, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 81-10) recommending that S.B. No. 2454, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-10 and S.B. No. 2454, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2831, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 82-10) recommending that S.B. No. 2831, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-10 and S.B. No. 2831, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," was deferred for a period of 48 hours.

Representatives Yamane, Hanohano and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2919, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 83-10) recommending that S.B. No. 2919, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-10 and S.B. No. 2919, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2937, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 84-10) recommending that S.B. No. 2937, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-10 and S.B. No. 2937, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," was deferred for a period of 48 hours.

Representatives Rhoads and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2565, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 85-10) recommending that S.B. No. 2565, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-10 and S.B. No. 2565, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," was deferred for a period of 48 hours.

Representatives Yamane and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2745, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 86-10) recommending that S.B. No. 2745, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-10 and S.B. No. 2745, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1230, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 87-10) recommending that S.B. No. 1230, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-10 and S.B. No. 1230, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representatives Souki, Karamatsu and Awana, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2897, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 88-10) recommending that S.B. No. 2897, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-10 and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representatives Takumi and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2346, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 89-10) recommending that S.B. No. 2346, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-10 and S.B. No. 2346, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," was deferred for a period of 48 hours.

Representatives Morita and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 466, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 90-10) recommending that S.B. No. 466, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-10 and S.B. No. 466, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 532, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 91-10) recommending that S.B. No. 532, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-10 and S.B. No. 532, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY," was deferred for a period of 48 hours.

Representative Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2045, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 92-10) recommending that S.B. No. 2045, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-10 and S.B. No. 2045, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," was deferred for a period of 48 hours.

Representatives Yamane and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2371, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 93-10) recommending that S.B. No. 2371, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-10 and S.B. No. 2371, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," was deferred for a period of 48 hours.

Representatives Yamane and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2811, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 94-10) recommending that S.B. No. 2811, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-10 and S.B. No. 2811, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Friday, April 23, 2010.

HOUSE COMMUNICATIONS

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.C.R. No. 296, SD 1
H.C.R. No. 297, SD 1

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Concurrent Resolutions:

H.C.R. No. 296, SD 1	McKelvey/Choy, Co-Chrs.; Evans, Ward
H.C.R. No. 297, SD 1	McKelvey/Choy, Co-Chrs.; Evans, Ward

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 1808, HD 3, SD 1	Added Representative Morita as Co-Chair. Discharged Representative Yamashita

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 2708, HD 1, SD 1	Discharged all conferees: Representatives Souki, Awana, Co-Chairs; Aquino, Pine

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 1, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 840, HD 1, SD 1

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 8, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2003, HD 3, SD 2

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2083, HD 1, SD 2

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 29, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2721, HD 1, SD 1

FIFTY-SIXTH DAY

Friday, April 23, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 6:34 o'clock p.m., with the Speaker presiding.

Representative Evans introduced Ms. Kaleo Paik, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Bertram and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 259 through 262) were announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 259, transmitting her statement of objections to H.B. No. 1642, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 22, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1642

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1642, entitled "A Bill for an Act Relating to the Purchases of Health and Human Services."

The purpose of this bill is to require proposals for purchases of health and human services under chapter 103F, Hawaii Revised Statutes, to be submitted only by licensed providers. This bill also requires that these proposals include all costs, fees, and taxes, and that any award or contract shall be for the amount of the proposal. Finally, this bill prohibits any award or contract under chapter 103F from including any other payment, rebate, or direct or indirect consideration that is not included in the proposal.

This bill is objectionable because it adversely impacts health and human services contracts by limiting the pool of qualified providers, decreasing competition, and increasing costs.

Both the Department of Health and the Department of Human Services issue requests for proposals that do not require licensure at the time the proposal is submitted. The licensure process for providers of health and human services contracts can be expensive and time consuming, particularly for non-profit organizations. Applicants currently submit proposals with the expectation that licensure must be obtained to perform the contracted services if they win the bid. The inability of these providers to bid before they have the requisite license will reduce the number of qualified providers that will submit proposals, thereby limiting the number of bidders available to provide valuable services to the disabled, sick, and low income families. Reducing the number of applicants that may bid on a request for proposals also reduces competition which can lead to higher bids and thus higher costs to the State. It is in the best interest of the public to allow the purchasing agent to decide at what point, upon proposal deadline or prior to award or contract commencement date, that licenses should be in place.

This bill is also objectionable because it requires any award or contract to be for the amount of the proposal. Under the current procurement process, the bidder proposes a dollar amount to provide the proposed services and the purchasing agency determines the amount of the award based on the availability of funds, the scope of services, and the quality of the proposal. Under this bill, the bidder dictates the award amount and the purchasing agency would no longer have the authority to adjust the award during contract negotiations, even in instances when there are legitimate budget constraints.

Furthermore, for some health and human services contracts, the total amount of the final contract cannot be determined in advance and, therefore, cannot be included in a bidder's proposal. As an example, payment under a contract for residential services may be based on the number of bed-days used times a set per-day rate. The number of days actually utilized is not known in advance. Therefore, the requests for proposals are structured to require bids that reflect the cost of units of service with the caveat that the exact number of units to be used may vary from estimates provided in the solicitation.

Consequently, the requirement in this bill that proposals include all costs, fees, and taxes, and that the resulting contract be for the amount of the proposal, would remove the ability of state agencies to implement rate schedules that are used for many health and human services.

If purchasing agencies must estimate the total quantity of services needed under a particular solicitation in order to comply with this measure, it is likely costs to the State would increase. In order to solicit a bid that includes all costs of the resulting contract, the State will have to generously estimate the total amount of services required, rather than structuring the solicitation and contract to allow the State to pay only for the services that are actually rendered. Alternatively, the State may specify in the solicitation a possible range of services that will be required under the contract and the bidders will be required to bid at the upper range of possible bid prices for the total quantity to ensure that they have not underbid.

Finally, it appears that the provisions of this bill relating to insurance premium or general tax rebates or waivers are unnecessary. The Legislature included them based on a misperception that the State should not be paying its contractors for these taxes or, in the case of Medicaid contracts, that the State would be unable to secure federal matching funds to pay those costs. In fact, these taxes are an accepted cost of doing business in the State, which purchasers, including State agencies, typically include in their contracts for goods and services. Moreover, the State may obtain federal reimbursement for such taxes to the same extent that it receives federal funds for other federally-reimbursed expenses.

For the foregoing reasons, I am returning House Bill No. 1642 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 260, transmitting her statement of objections to H.B. No. 2546, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 22, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2546

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No.

2546, entitled "A Bill for an Act Relating to Restoration of Certain Forfeited Professional and Vocational Licenses."

The purpose of this bill is to establish time limits to restore forfeited licenses of chiropractors and of real estate salespersons and brokers.

A companion measure, Senate Bill No. 2699, was also passed during the Regular Session of 2010. Because I approved Senate Bill No. 2699 as Act 11 of the Session Laws of Hawaii 2010, which accomplished the purpose of this bill, there is no need to also approve this bill.

For the foregoing reason, I am returning House Bill No. 2546 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 261, transmitting her statement of objections to S.B. No. 2394, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 22, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2394

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2394, entitled "A Bill for an Act Relating to the Board of Trustees of the Deferred Compensation Plan."

The purpose of this bill is to delete the requirement that the Director of Human Resources Development be the Chairperson of the Deferred Compensation Plan Board of Trustees ("Board"), and to provide that the Director is an ex officio member. This bill also eliminates two appointed at-large members of the Board of Trustees, and replaces them with two state employee appointees. This bill is objectionable because it negatively impacts the State's supplemental retirement plan for over 28,000 government employees by changing the composition of the Plan's Board of Trustees.

First, this measure adversely impacts the Board of Trustee's ability to make sound investment decisions by removing two at-large member positions. The two at-large member positions are currently filled by non-government employees, including one with private sector finance and investment experience. First-hand experience and working knowledge of banking and investment is helpful for a plan with $1,400,000,000 in assets. Moreover, non-state members have the ability to provide a perspective on the management and performance of the plan that may not be available to state members. Given that five of the seven members currently on the Board are state employees, employee concerns are already adequately represented on the Board.

Secondly, this measure unnecessarily disrupts the administration of the Plan by removing the Director as the Chair of the Board. Currently, the Plan is administratively attached to the Department of Human Resources Development ("Department"), which provides staff support and ensures the Plan is consistently administered along with all other employee benefits in the State's total compensation package. As part of those duties, the Department responds to inquiries by Plan participants, prepares information and fliers regarding the Plan for beneficiaries and oversees the Plan contractors. Removing the Department Director as the Chair of the Board will remove the administrative support and coordination provided by her office.

The Board has had the same statutory structure since 1981, and has carried out its fiduciary responsibilities in an appropriate manner.

I would note that since 2007, the Plan has received several nationally recognized awards. The Plan's most recent awards include the National Association of Government Defined Contribution Administrators' 2008 and 2009 "Leadership Recognition Awards". Given the positive steps that the Board of Trustees has taken to improve the Plan, this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 2394 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 262, transmitting her statement of objections to S.B. No. 2501, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 22, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2501

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2501, entitled "A Bill for an Act Relating to Public Accountancy."

The purpose of this bill is to require accounting firms that engage in attestation work to undergo peer review as a condition of obtaining a permit to practice in Hawaii. Specifically, the bill mandates that every accounting firm, including the Hawaii offices and Hawaii engagements of foreign or multi-state firms, undergo a peer review every three years on the firm's Hawaii audit, compilation of financial statements, government, and public company work and submit evidence of such a peer review at the time of the renewal of the firm's permit to practice.

Appropriately conducted peer reviews ensure the quality of work prepared by certified public accounts and help protect the interests of the public who rely of the financial statements, audits and similar work prepared by these firms.

However, this bill is objectionable because it would mandate office-specific peer reviews that may not be consistent with current peer review standards set forth by the American Institute of Certified Public Accountants. Many multi-state and multinational firms practicing in Hawaii already participate in nationally recognized systems of peer review that include the engagements and work these firms do in our State.

No other state mandates office-specific reviews. Further, the proposed requirements in this bill would place a significant burden on the Hawaii Board of Public Accountancy that would be required to establish and administer a stand-alone peer review program not required elsewhere.

The additional requirement of office-specific peer reviews may discourage some firms from engaging in assignments in Hawaii, thereby limiting the choice of public accounting firms Hawaii companies can select when seeking accounting services. Additionally, small, local firms that have elected to not undergo voluntary peer review would now be mandated to assume the costs of going through this process in order to conduct attestation-type accounting activities.

For the foregoing reason, I am returning Senate Bill No. 2501 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 263 through 266) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 263, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2701, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION." (ACT 047)

Gov. Msg. No. 264, informing the House that on April 23, 2010, the following bill was signed into law:

H.B. No. 2568, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY." (ACT 048)

Gov. Msg. No. 265, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES." (ACT 049)

Gov. Msg. No. 266, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2390, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE." (ACT 050)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 628 through 630) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 628, dated April 22, 2010, informing the House that the Senate has on April 21, 2010, agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions, and that said resolutions were this day adopted by the Senate:

S.C.R. No. 18, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO OVERSEE THE INVESTIGATION OF THE DEPARTMENT OF BUDGET AND FINANCE'S HANDLING OF THE STATE'S INVESTMENT IN STUDENT LOAN AUCTION RATE SECURITIES."

S.C.R. No. 110, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA."

Sen. Com. No. 629, dated April 22, 2010, informing the House that the Senate has on April 21, 2010, reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2523, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS."

Sen. Com. No. 630, dated April 22, 2010, informing the House that the following bills have this day passed Final Reading:

H.B. No. 2077, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION."

H.B. No. 2631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING."

H.B. No. 2533, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS."

S.B. No. 2566, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS."

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative M. Lee introduced her staff member, Ms. Bree Davis, and congratulated her on being the United States Air Force Reservist of the Year. She was accompanied by her legislative office manager, Ms. Ann Thornock.

Representative Berg introduced her constituent, Mr. TJ Lane.

ORDER OF THE DAY

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members of the House, the Unfinished Business will be deferred one legislative day, which will be next week Monday. We will take up all the Conference Committee Reports next week Monday."

Conf. Com. Rep. No. 12-10 and H.B. No. 1190, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 13-10 and H.B. No. 2020, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 14-10 and H.B. No. 1854, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 15-10 and H.B. No. 2676, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 16-10 and H.B. No. 2239, SD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 59-10 and S.B. No. 950, SD 2, HD 3, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 60-10 and S.B. No. 2449, HD 1, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 61-10 and S.B. No. 2019, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Conf. Com. Rep. No. 62-10 and S.B. No. 2817, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

At 6:44 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:46 o'clock p.m.

STANDING COMMITTEE REPORTS

At this time, the Chair stated:

"Members, at this time, for the Reports of Standing Committees, the Committee on Energy and Environmental Protection, Stand. Com. Rep. No. 1382-10, House Resolution No. 47, HD 1, will be deferred one legislative day also."

Stand. Com. Rep. No. 1382-10 and H.R. No. 47, HD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1383-10) recommending that S.C.R. No. 150, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING SEPTEMBER 26, 2010, AS MESOTHELIOMA AWARENESS DAY," was adopted, with Representatives Bertram and M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1384-10), recommending that S.C.R. No. 91, SD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 91, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING AN INVESTIGATING COMMITTEE TO INVESTIGATE CONTESTED CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, AND TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary, with Representatives Bertram and M. Oshiro being excused.

CONFERENCE COMMITTEE REPORTS

Representatives Morita and Coffman, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2644, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 41-10) recommending that H.B. No. 2644, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41-10 and H.B. No. 2644, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was deferred for a period of 48 hours.

Representatives Carroll, Ito and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1665, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 42-10) recommending that H.B. No. 1665, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42-10 and H.B. No. 1665, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," was deferred for a period of 48 hours.

Representatives Ito and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2610, HD 1, presented a report (Conf. Com. Rep. No. 95-10) recommending that S.B. No. 2610, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95-10 and S.B. No. 2610, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2806, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 96-10) recommending that S.B. No. 2806, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96-10 and S.B. No. 2806, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," was deferred for a period of 48 hours.

Representatives Yamane, Karamatsu and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 930, HD 2, presented a report (Conf. Com. Rep. No. 97-10) recommending that S.B. No. 930, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97-10 and S.B. No. 930, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," was deferred for a period of 48 hours.

Representatives Yamane and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2729, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 98-10) recommending that S.B. No. 2729, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98-10 and S.B. No. 2729, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," was deferred for a period of 48 hours.

FINAL READING

At this time, the Chair stated:

"Members of the House, Final Reading. This will be deferred one legislative day also."

H.B. No. 840, HD 1, SD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

H.B. No. 2003, HD 3, SD 2:

By unanimous consent, action was deferred to Monday, April 26, 2010.

H.B. No. 2083, HD 1, SD 2:

By unanimous consent, action was deferred to Monday, April 26, 2010.

H.B. No. 2721, HD 1, SD 1:

By unanimous consent, action was deferred to Monday, April 26, 2010.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Bertram and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 2129, HD 1, (SD 1)
H.B. No. 2708, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bills. (Representatives Bertram and M. Oshiro were excused.)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative Evans:

H.C.R. No. 50, HD 1, (SD 1)
H.C.R. No. 284, (SD 1)
H.C.R. No. 292, HD 1, (SD 1)

At 6:51 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:51 o'clock p.m.

At this time, Representative B. Oshiro corrected the draft for the following House Concurrent Resolution:

H.C.R. No. 50, HD 2, (SD 1)

The motion was put to vote by the Chair and carried, and the House disagreed to the amendments made by the Senate to the noted House Concurrent Resolutions. (Representatives Bertram and M. Oshiro were excused.)

At this time, the Chair stated:

"At this time the Chair appoints, Members of the House, the following Members as conferees:

"For HCR No. 50, Representatives Ito and Tokioka will serve as Co-Chairs, with Representatives Har and Ching as members.

"HCR No. 284, Representatives Manahan and Tokioka will serve as Co-Chairs, with Representative Finnegan as a member.

"And finally HCR No. 292, Representative Ito and Har will serve as Co-Chairs, with Representative Thielen as a member.

"So for the Co-Chairs of the respective House Concurrent Resolutions, be prepared to post your Conference notice, and Members be prepared to attend these Conferences."

ANNOUNCEMENTS

Representative Awana: "Thank you Mr. Speaker, I'd just like to wish a Happy Birthday to a Member of our House, my esteemed Chair for Transportation, 'Speaker Joe.' He'll be turning 21 on Sunday. Thank you."

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Pine and carried. (Representatives Bertram and M. Oshiro were excused.)

RECESS

At 6:54 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:30 o'clock a.m. Monday, April 26, 2010. (Representatives Bertram and M. Oshiro were excused.)

SUPPLEMENTAL CALENDAR #1

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 43-10 through 50-10; and 99-10 through 153-10) were received by the Clerk prior to 12:00 o'clock midnight this legislative day:

Representatives Souki and Awana, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2604, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 43-10) recommending that H.B. No. 2604, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43-10 and H.B. No. 2604, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Souki, Ito and Awana, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 865, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 44-10) recommending that H.B. No. 865, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44-10 and H.B. No. 865, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Representatives Hanohano and Aquino, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 415, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 45-10) recommending that H.B. No. 415, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45-10 and H.B. No. 415, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Representatives Hanohano and Aquino, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2692, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 46-10) recommending that H.B. No. 2692, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46-10 and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

DISASTER PREPAREDNESS PLANNING," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2505, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 47-10) recommending that H.B. No. 2505, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47-10 and H.B. No. 2505, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and Brower, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2157, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 48-10) recommending that H.B. No. 2157, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48-10 and H.B. No. 2157, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

Representatives Ito, Morita and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 979, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 49-10) recommending that H.B. No. 979, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49-10 and H.B. No. 979, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Representatives Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2084, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 50-10) recommending that H.B. No. 2084, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50-10 and H.B. No. 2084, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," was deferred for a period of 48 hours.

Representatives Cabanilla and Sagum, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2473, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 99-10) recommending that S.B. No. 2473, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99-10 and S.B. No. 2473, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representatives Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2220, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 100-10) recommending that S.B. No. 2220, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100-10 and S.B. No. 2220, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," was deferred for a period of 48 hours.

Representatives Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2399, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 101-10) recommending that S.B. No. 2399, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101-10 and S.B. No. 2399, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," was deferred for a period of 48 hours.

Representatives Manahan, Wakai and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2601, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 102-10) recommending that S.B. No. 2601, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102-10 and S.B. No. 2601, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," was deferred for a period of 48 hours.

Representatives Herkes and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2842, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 103-10) recommending that S.B. No. 2842, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103-10 and S.B. No. 2842, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," was deferred for a period of 48 hours.

Representatives Karamatsu, Takumi and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2116, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 104-10) recommending that S.B. No. 2116, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104-10 and S.B. No. 2116, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was deferred for a period of 48 hours.

Representatives Rhoads, McKelvey, Herkes and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1062, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 105-10) recommending that S.B. No. 1062, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105-10 and S.B. No. 1062, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," was deferred for a period of 48 hours.

Representatives Rhoads, Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2883, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 106-10) recommending that S.B. No. 2883, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106-10 and S.B. No. 2883, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred for a period of 48 hours.

Representatives Cabanilla, Karamatsu and Sagum, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 910, SD 1, HD 2, presented a report

(Conf. Com. Rep. No. 107-10) recommending that S.B. No. 910, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107-10 and S.B. No. 910, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," was deferred for a period of 48 hours.

Representatives Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2165, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 108-10) recommending that S.B. No. 2165, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108-10 and S.B. No. 2165, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," was deferred for a period of 48 hours.

Representatives Morita and Coffman, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2563, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 109-10) recommending that S.B. No. 2563, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109-10 and S.B. No. 2563, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2599, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 110-10) recommending that S.B. No. 2599, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110-10 and S.B. No. 2599, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Representatives Hanohano and Aquino, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2702, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 111-10) recommending that S.B. No. 2702, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111-10 and S.B. No. 2702, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," was deferred for a period of 48 hours.

Representatives Mizuno, Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2716, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 112-10) recommending that S.B. No. 2716, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112-10 and S.B. No. 2716, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2825, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 113-10) recommending that S.B. No. 2825, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113-10 and S.B. No. 2825, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Representatives Takumi, Ito and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2828, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 114-10) recommending that S.B. No. 2828, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114-10 and S.B. No. 2828, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Rhoads and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2324, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 115-10) recommending that S.B. No. 2324, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115-10 and S.B. No. 2324, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," was deferred for a period of 48 hours.

Representatives Rhoads and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2691, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 116-10) recommending that S.B. No. 2691, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116-10 and S.B. No. 2691, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," was deferred for a period of 48 hours.

Representatives Hanohano and Aquino, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2054, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 117-10) recommending that S.B. No. 2054, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117-10 and S.B. No. 2054, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," was deferred for a period of 48 hours.

Representatives Chang and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2386, HD 1, presented a report (Conf. Com. Rep. No. 118-10) recommending that S.B. No. 2386, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118-10 and S.B. No. 2386, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," was deferred for a period of 48 hours.

Representatives Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2400, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 119-10) recommending that S.B. No. 2400, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119-10 and S.B. No.

2400, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," was deferred for a period of 48 hours.

Representatives Herkes, Karamatsu and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2603, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 120-10) recommending that S.B. No. 2603, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120-10 and S.B. No. 2603, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," was deferred for a period of 48 hours.

Representatives Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2661, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 121-10) recommending that S.B. No. 2661, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121-10 and S.B. No. 2661, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Representatives Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2809, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 122-10) recommending that S.B. No. 2809, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122-10 and S.B. No. 2809, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," was deferred for a period of 48 hours.

Representatives Rhoads and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2395, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 123-10) recommending that S.B. No. 2395, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123-10 and S.B. No. 2395, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," was deferred for a period of 48 hours.

Representatives Souki and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2461, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 124-10) recommending that S.B. No. 2461, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124-10 and S.B. No. 2461, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2548, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 125-10) recommending that S.B. No. 2548, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125-10 and S.B. No. 2548, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," was deferred for a period of 48 hours.

Representatives Karamatsu and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2534, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 126-10) recommending that S.B. No. 2534, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126-10 and S.B. No. 2534, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," was deferred for a period of 48 hours.

Representatives Chang and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2385, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 127-10) recommending that S.B. No. 2385, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 127-10 and S.B. No. 2385, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2068, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 128-10) recommending that S.B. No. 2068, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 128-10 and S.B. No. 2068, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi, Chang and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2115, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 129-10) recommending that S.B. No. 2115, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 129-10 and S.B. No. 2115, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," was deferred for a period of 48 hours.

Representatives Takumi, Rhoads and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2434, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 130-10) recommending that S.B. No. 2434, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 130-10 and S.B. No. 2434, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," was deferred for a period of 48 hours.

Representatives Yamane, Rhoads and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2885, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 131-10) recommending that S.B. No. 2885, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 131-10 and S.B. No. 2885, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," was deferred for a period of 48 hours.

Representatives Yamane, Wakai and Karamatsu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2491, SD 2, HD 1, presented a report

(Conf. Com. Rep. No. 132-10) recommending that S.B. No. 2491, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 132-10 and S.B. No. 2491, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," was deferred for a period of 48 hours.

Representatives Ito, Tsuji and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2951, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 133-10) recommending that S.B. No. 2951, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 133-10 and S.B. No. 2951, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2600, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 134-10) recommending that S.B. No. 2600, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 134-10 and S.B. No. 2600, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2173, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 135-10) recommending that S.B. No. 2173, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 135-10 and S.B. No. 2173, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Representatives Tsuji and Wooley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2775, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 136-10) recommending that H.B. No. 2775, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136-10 and H.B. No. 2775, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Representatives Tsuji and Wooley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2503, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 137-10) recommending that H.B. No. 2503, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137-10 and H.B. No. 2503, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Representatives Tsuji, Ito, Carroll and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2832, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 138-10) recommending that H.B. No. 2832, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138-10 and H.B. No. 2832, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1948, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 139-10) recommending that H.B. No. 1948, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139-10 and H.B. No. 1948, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2594, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 140-10) recommending that H.B. No. 2594, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140-10 and H.B. No. 2594, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Representatives Ito, Karamatsu and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2583, SD 2, presented a report (Conf. Com. Rep. No. 141-10) recommending that H.B. No. 2583, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141-10 and H.B. No. 2583, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," was deferred for a period of 48 hours.

Representatives Ito, Cabanilla and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2845, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 142-10) recommending that H.B. No. 2845, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142-10 and H.B. No. 2845, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2441, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 143-10) recommending that H.B. No. 2441, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143-10 and H.B. No. 2441, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2133, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 144-10) recommending that H.B. No. 2133, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144-10 and H.B. No. 2133, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Morita, Ito, Karamatsu and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1808, HD 3, SD 1, presented a report

(Conf. Com. Rep. No. 145-10) recommending that H.B. No. 1808, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 145-10 and H.B. No. 1808, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," was deferred for a period of 48 hours.

Representatives Chang and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 347, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 146-10) recommending that H.B. No. 347, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 146-10 and H.B. No. 347, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Representatives Takumi, Rhoads and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2486, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 147-10) recommending that H.B. No. 2486, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 147-10 and H.B. No. 2486, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2542, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 148-10) recommending that H.B. No. 2542, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 148-10 and H.B. No. 2542, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," was deferred for a period of 48 hours.

Representatives Cabanilla, Ito, Yamane, Mizuno and Sagum, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2318, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 149-10) recommending that H.B. No. 2318, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 149-10 and H.B. No. 2318, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was deferred for a period of 48 hours.

Representatives Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2000, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 150-10) recommending that H.B. No. 2000, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 150-10 and H.B. No. 2000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2200, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 151-10) recommending that H.B. No. 2200, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 151-10 and H.B. No. 2200, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Representatives McKelvey, Wakai and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2698, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 152-10) recommending that H.B. No. 2698, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 152-10 and H.B. No. 2698, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was deferred for a period of 48 hours.

Representatives M. Oshiro and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2849, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 153-10) recommending that S.B. No. 2849, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 153-10 and S.B. No. 2849, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

Please note that a waiver was granted by the House Speaker and Senate President for the following Conference Committee Reports that were filed after the 12:00 midnight Final Decking deadline and that said measures will be positioned for passage on Final Reading on Wednesday, April 28, 2010:

Conf. Com. Rep. No. 154-10 and H.B. No. 1015, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 155-10 and H.B. No. 2377, HD 3, SD 2, CD 1

Conf. Com. Rep. No. 156-10 and S.B. No. 2589, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 157-10 and S.B. No. 2124, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 158-10 and S.B. No. 2469, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 159-10 and H.B. No. 2774, HD 2, SD 2, CD 1

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:30 o'clock a.m. Monday, April 26, 2010.

HOUSE COMMUNICATIONS

House Communication dated April 22, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.C.R. No. 296, SD 1
H.C.R. No. 297, SD 1

House Communication dated April 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.C.R. No. 50, HD 2, SD 1
H.C.R. No. 284, SD 1
H.C.R. No. 292, HD 1, SD 1

House Communication dated April 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable

President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Concurrent Resolutions:

H.C.R. No. 50, HD 2, SD 1	Ito/Tokioka, Co-Chrs.; Har, Ching
H.C.R. No. 284, SD 1	Manahan/Tokioka, Co-Chrs.; Finnegan
H.C.R. No. 292, HD 1, SD 1	Ito/Har, Co-Chrs.; Thielen

House Communication dated April 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on March 16, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2708, HD 1, SD 1

House Communication dated April 23, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2129, HD 1, SD 1

OTHER COMMUNICATIONS

The following statement was read by Senate President Colleen Hanabusa at 12:08 a.m., Saturday, April 24, 2010, in Conference Room 309:

"Prior to the convening of the 2010 session, the House Speaker and I prepared an internal legislative timetable, setting April 23, 2010 as the last day to file fiscal bills to deck for Final Reading. A few weeks ago the Speaker and I signed the Conference Committee Guidelines that provides, in paragraph 1l(c) that all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 23rd.

As you know, several measures were being negotiated throughout the evening. Several Conference Committees, even though they had reached agreement on the substance of these measures, did not have the time to prepare and adequately review the reports and the final form of the Conference Drafts prior to the filing deadline.

Therefore, the Speaker and I are exercising our powers under Rule 13 of the Conference Committee Guidelines, to make an exception to this deadline for the bills that were agreed to and voted upon this evening.

The Speaker and I are granting this exception to provide the Conference members with an opportunity to ensure that the Conference Committee reports and the Conference drafts reflect the agreements reached on the evening of May 1st.

The Speaker and I felt that since the Conferees had reached timely agreement on these bills, allowing these bills to die based on an internal procedural deadline for filing paperwork with the Clerks' Offices, is not in the best interest of the people of Hawaii.

For the bills agreed to and voted on this evening, the Clerks of the respective Chambers shall accept Conference drafts between 12:00 noon and 1:00 p.m. tomorrow Saturday, April 24th.

We wish to emphasize that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will follow with these measures."

FIFTY-SEVENTH DAY

Monday, April 26, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:33 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Mr. Lanson Ho'opai, legislative aide for Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Brower, Cabanilla, Carroll and M. Lee, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Sixth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 267 through 270) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 267, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2770, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY." (ACT 051)

Gov. Msg. No. 268, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY." (ACT 052)

Gov. Msg. No. 269, informing the House that on April 23, 2010, the following bill was signed into law:

H.B. No. 2197, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 053)

Gov. Msg. No. 270, informing the House that on April 23, 2010, the following bill was signed into law:

S.B. No. 2898, SD 1, HD 1, entitled: "A BILL FOR AN AT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES." (ACT 054)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 631 through 642) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 631, dated April 23, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Concurrent Resolutions:

H.C.R. No. 296, SD 1 — Fukunaga, Chair; Baker, Slom

H.C.R. No. 297, SD 1 — Fukunaga, Chair; Ige, Slom

Sen. Com. No. 632, dated April 23, 2010, informing the House that the Senate has on April 22, 2010, agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions and that said resolutions were this day adopted by the Senate:

S.C.R. No. 183, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."

S.C.R. No. 202, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006."

Sen. Com. No. 633, transmitting H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 634, transmitting H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 635, transmitting H.C.R. No. 167, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 636, transmitting H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 637, transmitting H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 638, transmitting H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 639, transmitting H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR

NATURAL DISASTER ON THE LEEWARD COAST," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 640, transmitting H.C.R. No. 235, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER IN THE UNITED STATES," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 641, transmitting H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," which was adopted by the Senate on April 23, 2010.

Sen. Com. No. 642, transmitting H.C.R. No. 289, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," which was adopted by the Senate on April 23, 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representatives Ward, Ching and Cabanilla introduced Director General Philip Wang, of the Taipei Economic and Cultural Office in Honolulu who is being reassigned to Taiwan, and thanked him for his service while in Hawaii. He was accompanied by Mr. Oliver Weng, also of the Taipei Economic and Cultural Office.

Representatives Mizuno and Finnegan introduced Pastor Peter Kamakawiwoole of the Calvary Church of the Pacific.

Representative Ching introduced 5th grade students from Ma'ema'e Elementary School; their teachers, Mrs. Lisa Kumashiro, Mrs. Tess Yasui, Mrs. Donna Nakamura and Mr. Cody Okimoto; and parents, Mrs. Emily Chun and Mr. Oliver Weng.

Representative Finnegan introduced the family of Lanson Ho'opai: his mom Mrs. Judie Ho'opai, and sister Ms. Larissa Ho'opai. They were accompanied by her staff, Mr. Aaron Johanson and Mrs. Carrie Kealoha; and daughter, Ms. Erin Kealoha.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.C.R. No.	Re-referred to:
296, SD1	Committee on Tourism, Culture, & International Affairs, then to the Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, Floor action on all items under Unfinished Business on pages 2 through 30 will be deferred until Tuesday to give you enough opportunity and ample time to digest the Conference drafts."

Conf. Com. Rep. No. 9-10 and H.B. No. 2077, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 10-10 and H.B. No. 2631, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 11-10 and H.B. No. 2533, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 12-10 and H.B. No. 1190, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 13-10 and H.B. No. 2020, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 14-10 and H.B. No. 1854, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 15-10 and H.B. No. 2676, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 16-10 and H.B. No. 2239, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 17-10 and H.B. No. 2266, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 18-10 and H.B. No. 1987, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 19-10 and H.B. No. 1684, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 20-10 and H.B. No. 2289, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 21-10 and H.B. No. 2283, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 22-10 and H.B. No. 1863, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 23-10 and H.B. No. 1992, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 24-10 and H.B. No. 2595, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 25-10 and H.B. No. 1818, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 26-10 and H.B. No. 2288, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 27-10 and H.B. No. 2497, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 28-10 and H.B. No. 2919, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 29-10 and H.B. No. 2831, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 30-10 and H.B. No. 1978, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 31-10 and H.B. No. 2061, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 32-10 and H.B. No. 869, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 33-10 and H.B. No. 2349, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 34-10 and H.B. No. 2575, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 35-10 and H.B. No. 2688, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 36-10 and H.B. No. 2450, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 37-10 and H.B. No. 2725, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 38-10 and H.B. No. 2661, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 39-10 and H.B. No. 2397, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 40-10 and H.B. No. 1212, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 41-10 and H.B. No. 2644, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 42-10 and H.B. No. 1665, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 43-10 and H.B. No. 2604, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 44-10 and H.B. No. 865, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 45-10 and H.B. No. 415, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 46-10 and H.B. No. 2692, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 47-10 and H.B. No. 2505, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 48-10 and H.B. No. 2157, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 49-10 and H.B. No. 979, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 50-10 and H.B. No. 2084, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 58-10 and S.B. No. 2566, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 59-10 and S.B. No. 950, SD 2, HD 3, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 60-10 and S.B. No. 2449, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 61-10 and S.B. No. 2019, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 62-10 and S.B. No. 2817, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 63-10 and S.B. No. 2150, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 64-10 and S.B. No. 2257, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 65-10 and S.B. No. 2256, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 66-10 and S.B. No. 2169, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 67-10 and S.B. No. 2020, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 68-10 and S.B. No. 2545, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 69-10 and S.B. No. 2646, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 70-10 and S.B. No. 633, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 71-10 and S.B. No. 1059, SD 2, HD 3, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 72-10 and S.B. No. 1105, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 73-10 and S.B. No. 2154, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 74-10 and S.B. No. 2472, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 75-10 and S.B. No. 2643, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 76-10 and S.B. No. 2231, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 77-10 and S.B. No. 2859, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 78-10 and S.B. No. 2697, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 79-10 and S.B. No. 506, SD 1, HD 3, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 80-10 and S.B. No. 2105, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 81-10 and S.B. No. 2454, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 82-10 and S.B. No. 2831, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 83-10 and S.B. No. 2919, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 84-10 and S.B. No. 2937, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 85-10 and S.B. No. 2565, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 86-10 and S.B. No. 2745, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 87-10 and S.B. No. 1230, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 88-10 and S.B. No. 2897, SD 2, HD 3, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 89-10 and S.B. No. 2346, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 90-10 and S.B. No. 466, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 91-10 and S.B. No. 532, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 92-10 and S.B. No. 2045, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 93-10 and S.B. No. 2371, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 94-10 and S.B. No. 2811, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 95-10 and S.B. No. 2610, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 96-10 and S.B. No. 2806, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 97-10 and S.B. No. 930, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 98-10 and S.B. No. 2729, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 99-10 and S.B. No. 2473, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 100-10 and S.B. No. 2220, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 101-10 and S.B. No. 2399, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 102-10 and S.B. No. 2601, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 103-10 and S.B. No. 2842, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 104-10 and S.B. No. 2116, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 105-10 and S.B. No. 1062, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 106-10 and S.B. No. 2883, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 107-10 and S.B. No. 910, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 108-10 and S.B. No. 2165, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 109-10 and S.B. No. 2563, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 110-10 and S.B. No. 2599, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 111-10 and S.B. No. 2702, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 112-10 and S.B. No. 2716, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 113-10 and S.B. No. 2825, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 114-10 and S.B. No. 2828, SD 1, HD 3, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 115-10 and S.B. No. 2324, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 116-10 and S.B. No. 2691, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 117-10 and S.B. No. 2054, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 118-10 and S.B. No. 2386, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 119-10 and S.B. No. 2400, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 120-10 and S.B. No. 2603, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 121-10 and S.B. No. 2661, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 122-10 and S.B. No. 2809, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 123-10 and S.B. No. 2395, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 124-10 and S.B. No. 2461, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 125-10 and S.B. No. 2548, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 126-10 and S.B. No. 2534, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 127-10 and S.B. No. 2385, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 128-10 and S.B. No. 2068, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 129-10 and S.B. No. 2115, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 130-10 and S.B. No. 2434, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 131-10 and S.B. No. 2885, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 132-10 and S.B. No. 2491, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 133-10 and S.B. No. 2951, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 134-10 and S.B. No. 2600, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 135-10 and S.B. No. 2173, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 136-10 and H.B. No. 2775, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 137-10 and H.B. No. 2503, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 138-10 and H.B. No. 2832, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 139-10 and H.B. No. 1948, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 140-10 and H.B. No. 2594, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 141-10 and H.B. No. 2583, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 142-10 and H.B. No. 2845, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 143-10 and H.B. No. 2441, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 144-10 and H.B. No. 2133, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 145-10 and H.B. No. 1808, HD 3, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 146-10 and H.B. No. 347, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 147-10 and H.B. No. 2486, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 148-10 and H.B. No. 2542, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 149-10 and H.B. No. 2318, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 150-10 and H.B. No. 2000, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 151-10 and H.B. No. 2200, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 152-10 and H.B. No. 2698, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Conf. Com. Rep. No. 153-10 and S.B. No. 2849, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 840, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2003, HD 3, SD 2:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2083, HD 1, SD 2:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2721, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

Stand. Com. Rep. No. 1382-10 and H.R. No. 47, HD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

CONFERENCE COMMITTEE REPORTS

At this time, the Chair stated:

"Reports of Conference Committees. Members as you know, the Senate President and I waived the Friday midnight deadline for the filing of Committee reports and Conference drafts for certain measures which were agreed upon in public on Friday evening. I wanted to take this opportunity to explain the procedural reasons why these reports and proposed drafts were not filed on Friday night and the reasons why the President and I waived the deadlines.

"Back in January of this year the Senate President and I prepared an internal Legislative timetable, setting April 23rd, 2010 as the last day to file fiscal bills for Constitutional decking purposes prior to Final Reading. On March 30th of this year the President and I signed Conference Committee guidelines that provided in paragraph 11(c) that all Conference Committee reports for fiscal bills should be filed by 11:30 p.m. on Friday, April 23rd.

"However, some measures were being negotiated up to the last few minutes before midnight on Friday night. These Conference Committees, even though they had reached agreement on the substance of their measures, did not have the time to prepare and adequately review the Conference reports and final form of the Conference drafts prior to the filing deadline.

"Therefore, the President and I exercised our powers under Rule 13 of the Conference Committee Guidelines for an exception to this deadline for these measures which were agreed upon in public. If need be, we allowed these measures to be filed with the respective Clerk's offices between 12:00 noon and 1:00 p.m. on Saturday, April 24th.

"The President and I felt that since the Conferees had reached a timely agreement on these bills, allowing these measures to die based on an internal procedure deadline for filing the requisite paperwork with the Clerk's office in each Chamber was not in the best interest of the people of Hawaii. Rather we felt it important to exercise the discretion that the guidelines gave us to waive that deadline and ensure that important initiatives would reach the Floor of both Chambers for Final Reading as the Conference Committees intended.

"I wish to emphasize that previous Legislatures, when facing similar situations in the past, have followed the same procedure we will be following with these measures. So please note that the Conference Committee Reports Nos. 154-10 to 159-10 as listed on pages 30 and 31 will receive the required 48-hour notice of final form as required by our Constitution and will therefore be before this Chamber for Final Reading on Wednesday, April 28th. This is for the record for the House Journal. So those measures on pages 30 and 31, 48-hour notice."

Representatives Carroll, Ito and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1015, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 154-10) recommending that H.B. No. 1015, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 154-10 and H.B. No. 1015, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TRUST FUND," was deferred for a period of 48 hours.

Representatives Takumi, Karamatsu and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2377, HD 3, SD 2, presented a report (Conf. Com. Rep. No. 155-10) recommending that H.B. No. 2377, HD 3, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 155-10 and H.B. No.

2377, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2589, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 156-10) recommending that S.B. No. 2589, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 156-10 and S.B. No. 2589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Representatives Takumi, Rhoads, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2124, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 157-10) recommending that S.B. No. 2124, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 157-10 and S.B. No. 2124, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2469, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 158-10) recommending that S.B. No. 2469, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 158-10 and S.B. No. 2469, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," was deferred for a period of 48 hours.

Representatives Mizuno, Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2774, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 159-10) recommending that H.B. No. 2774, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 159-10 and H.B. No. 2774, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

FINAL READING

At this time, the Chair stated:

"These measures also, House Bill 2129, House Draft 1, Senate Draft 1, and House Bill 2708, House Draft 1, Senate Draft 1, deferred also to tomorrow, Tuesday, to give Members time to evaluate and analyze these measures."

H.B. No. 2129, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

H.B. No. 2708, HD 1, SD 1:

By unanimous consent, action was deferred to Tuesday, April 27, 2010.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representatives Brower and Carroll were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 2152, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representatives Brower and Carroll were excused.)

ADJOURNMENT

At 9:51 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 9:00 o'clock a.m. tomorrow, Tuesday, April 27, 2010. (Representatives Brower and Carroll were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 26, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.C.R. No. 296, SD 1	Added Representative Manahan as Co-Chair.

House Communication dated April 26, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 2152, HD 1, SD 1

FIFTY-EIGHTH DAY

Tuesday, April 27, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 9:06 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Faye P. Hanohano, after which the Roll was called showing all Members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 271 through 274) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 271, informing the House that on April 24, 2010, the following bill was signed into law:

S.B. No. 2611, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS." (ACT 055)

Gov. Msg. No. 272, informing the House that on April 24, 2010, the following bill was signed into law:

H.B. No. 2561, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE." (ACT 056)

Gov. Msg. No. 273, informing the House that on April 24, 2010, the following bill was signed into law:

S.B. No. 2163, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING." (ACT 057)

Gov. Msg. No. 274, dated April 25, 2010, informing the House that on April 26, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill will become law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2803 SD1 HD1

On April 26, 2010, I intend to allow Senate Bill No. 2803, entitled "A Bill for an Act Relating to The Regents Candidate Advisory Council" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish a seven-member student advisory group to recruit, evaluate, and recommend to the Regents Candidate Advisory Council who are the "most qualified" candidates to fill the Board of Regents student position. The bill further precludes certain persons from serving on the Regents Candidate Advisory Council including persons on the All Campus Faculty Senate and the Executive Council of the University Student Caucus.

I continue to believe that the creation of the Regents Candidate Advisory Council established a narrowly prescribed process, not answerable to the public, with the intent to limit the choices a Governor has in appointing Regents. This bill is an attempt by a group of dissatisfied students to address the narrow interests of the Regent Advisory Council by setting up another mechanism to involve more students in the determination of who should be a student regent.

However, in trying to address the shortcomings of the Advisory Council law, this bill further blurs the lines of responsibility and transparency for holding a Governor accountable for the performance of the Regent Board. Rather than disbanding the Advisory Council or broadening the number of candidate names it must submit to a sitting Governor, the bill sets up yet another group that both shadows and second-guesses the work of the current Council. There is nothing in this bill that will lead to a wider choice of candidates for a Governor's consideration. Nor is there anything in this bill that allows the public to better understand and participate in the selection of those individuals who are responsible for setting the policies that guide our State university.

As I stated in my 2007 veto message, the current process exempts the selection of regents from public scrutiny, narrowly defines the number of candidate names that a Governor can consider, and fails to ensure that the Board is composed of members who reflect the best interests of the entire university and the State. This bill makes a small but ineffective effort to address some of these fundamental flaws.

For the foregoing reasons, I intend to allow Senate Bill No. 2803 to become law as Act 58, effective April 26, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

The following message from the Governor (Gov. Msg. No. 275) was announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 275, transmitting her statement of objections to S.B. No. 2840, SD 2, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2840

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2840, entitled "A Bill for an Act Relating to Public Procurement."

The purpose of this bill is to require contractors awarded public works construction contracts to employ a workforce consisting of at least eighty percent Hawaii residents, and provides sanctions for noncompliance including temporary suspension of contract work, payment withholding, disqualification from the project, recovery of contract payments, and disbarment or suspension.

I support the creation of local jobs for local residents. However, this measure does not create jobs, because it does not incentivize any new economic activity. Unfortunately, the bill will likely discourage some job creation activities by increasing the costs of public works construction in the State of Hawaii.

It establishes an ill-defined, ambiguous, and complex compliance structure for contractors and state and county agencies. For example, the bill fails to indicate whether a contractor must maintain the ratio of Hawaii and non-Hawaii resident workers every day the project is underway, every month, or over the entire duration of the project. Furthermore, the bill fails to specify if the quota applies only to jobsite staff or all contractor staff including administrative and managerial personnel.

It will be difficult for a contractor to determine at the outset, prior to the commencement of the contract, the total number of workers and the total number of worker hours required for the duration of the contract. The contractor's flexibility to maintain a workforce that is responsive to changing needs of the project likely would be impaired if the contractor were required to maintain a quota within its workforce at all times during the contract. The eighty percent residency requirement would exacerbate

the contractor's need to continually juggle its workforce, adding and deleting individuals, so as not to violate the quota requirement at any time during the contract. Further, it would also be difficult for contractors to determine which of their workers are state residents based on the criteria of the bill, as the contractor would have to glean the workers' intent to establish residency in Hawaii.

Additionally, the eighty percent requirement applies to the contractor's subcontracts that are priced at $50,000 or more. Under this measure, the contractor would be responsible not only to maintain the composition its own workforce, but also the workforces of its subcontractors, over whom the contractor has limited authority.

State and county agencies would be similarly burdened to enforce the requirements of this measure, and will have to find the resources and staff to do so. In sum, the monitoring, enforcement and compliance that this bill requires are difficult, burdensome, and expensive for both contractors and public government agencies.

This measure's requirements are also likely to provide additional grounds for contractor protests, delaying projects at the expense of taxpayers and impeding the ability of the State and counties to carry out public works initiatives.

Finally, the courts are divided as to the validity of state statutes that require the employment of state residents in the construction of public works. The legislature may not have created a record with the necessary requirements to overcome a constitutional challenge, thereby subjecting the State to protracted and costly litigation.

For the foregoing reason, I am returning Senate Bill No. 2840 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative M. Oshiro introduced Mr. Henry Curtis and Ms. Kat Brady of Life of the Land.

Representative Evans introduced friends of the Humane Society: Ms. Inga Gibson, Mrs. Vicky Cayetano and Ms. Ginny Tiu.

Representative Finnegan on behalf of Representative Wakai and herself, introduced 4th grade students from Aliamanu Elementary School and their chaperones, Ms. Krista Holloway, Ms. Minako Fields, Ms. Sydette Cadiz; and teacher, Ms. Gabrielle Chung.

Representative Finnegan also introduced her friends, Ms. Noella Nance, and her daughter, Ms. Rachel Nance.

Representative Har introduced former Representative Alex Santiago, and Ms. Debbie Shimizu, from the National Association of Social Workers.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills and Senate Bills for Final Reading by consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 151-10 and H.B. No. 2200, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2200, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative M. Lee.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. I rise in favor of this bill. First of all let me begin by thanking my colleague Chair Kim, my counterpart, and her Ways and Means staff. I extend to the Ways and Means staff and Chair Kim my gratitude for all the hard work and dedication. Her insistence and interest in having a more efficient and effective government, getting the most 'bang for the buck' and for targeting waste and mismanagement is truly appreciated. I have indeed enjoyed working with her over these past two years.

"I also want to thank the members of the Finance Committee Mr. Speaker, with a special acknowledgement for Minority Leader Lynn Finnegan, who joined us on the Committee just this year. It was a hard road to climb, a high learning curve, but she's done quite well in the short time with us. Mr. Speaker, I truly appreciate her support, her input and guidance as we developed this budget. Indeed Mr. Speaker, our informal decisions and discussions revealed so much that we share in common, although we may disagree with each other's remedy and each other's approach.

"I also want to thank Vice Chair Lee. Representative Lee has been with me for four years now and truly she has been the best co-pilot any pilot could have. Without her support my job would certainly be much more difficult. Her officer's-like command of the hearings pace and little tolerance for indulgent questions truly belied her quiet and gentle nurse-like persona. Mr. Speaker, one moment, Mother Theresa - the next, Sister Mary Elephant.

"I thank the Finance Committee staff for all the long hours, the research, and the support not only on the budget, but on all the Committee hearings, Mr. Speaker. The work was daunting, but without their legwork and the logistical support, we wouldn't be here today. Thank you one and all. But special public thanks to Nandana, Mikey, Puna, Stacey, Eric, Randy, Tracy and Jo; and the Finance Committee Analysis, Research Staff for being my sounding board, devil's advocates, whip crackers, angry phone call interceptors, and policy wonks. I was the front man, but you folks made the band.

"Mr. Speaker, a special acknowledgement this morning to Research Chief, Randall Hiyoto who is not with us today in this building, but I suspect he's watching us right now. Yep. Policy, right? Thank you. Randall, everyone here misses you, is thinking about you, and is right behind you supporting you on your journey back. Come back soon.

"Finally Mr. Speaker, I want to thank the public, those in the Gallery here in the House Chamber, and those watching us on television. You are the ones who elect us to make these difficult decisions, and you are the ones we are ultimately accountable to. Our system of government relies upon your input and your participation. Democracy is a contact sport, and it demands and requires your participation. We've been hearing from all segments of our communities. Keep it up folks. You are making a difference.

"Mr. Speaker, a year ago I stood before this Body and said, 'I do not believe our work on this budget ends here. To the contrary, it begins here.' In fact a year ago we were provided with a small reprieve when the American Recovery and Reinvestment Act gave Hawaii more than $900 million. The money has been well spent and has helped stave off greater unemployment, larger cuts in healthcare, human services and education. Unfortunately, no new bailout money is here to help us again this year."

Representative Rhoads rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Representative Rhoads. We are on our way, but we have to do it on our own with what we have.

"For the past year Mr. Speaker, I have used the analogy of the five stages of grief as an analogy to describe what we've been going through as a State as we live our lives in the worst global economic crisis in over 80 years, 'The Great Recession.' We're still reeling from the unexpected death of our national economic wellbeing. The economic rules of the game have shifted tremendously, sectors of commerce and business forever changed, and our Nation's global positioning more pronounced and acute. We are living in a time that futurist Dave Korten described as, 'The Great Turning.' I never imagined how apropo that description may be, so let me put this into context.

"The first stage is denial. If you really look at the budget we adopted last year, it was a denial budget. Federal stimulus funds allowed us to avoid the more painful decisions. It allowed us to buy some time and shield ourselves from the harsh realities and deny having to make the extremely difficult decisions.

"The second stage: anger. Losing one's job, investment, or opportunity because of what had occurred on Wall Street makes many angry. Hawaii's dependence on tourism jobs and construction jobs were hit hard and today it vibrates throughout the community. Highest unemployment in over 30 years. Highest foreclosure rates in decades. Record bankruptcies are all signs listed in the headlines of our daily papers. Government worker furloughs and drastic cuts to service. Parents and teachers are angry. Workers and customers are angry. For-profits and non-profit corporations are angry.

"The third stage is bargaining, Mr. Speaker. This is the stage where we seek to better our lot by making tradeoffs. Mr. Speaker, I believe if you look around, many in our community are still working through this one. We have not found common solutions or common ground to solve our fiscal problems. Rather nearly the extreme opposite has occurred. Our communities are divided. Everyone seeks to, 'protect their own' and far too many have been tossed out of the canoe that we so desperately seek to stabilize and steer through the uncharted and ever shifting peaks and valleys, pursuing the clear path and safe harbor for all our people. Indeed Mr. Speaker, not all are paddling. We're not all in sync yet, and too few are pulling for far too many.

"Over the past few months all too often I've heard hundreds of people say that they understand the hard choices that have to be made, and they sympathize and empathize with what we are doing. Thirty seconds later Mr. Speaker, they're in the middle of telling us why they should be excluded from the budget cuts, or tax deferrals, or should be allowed a tax credit, or incentive, or even given more money. In many ways this has been the Session of bargaining.

"As you move forward there will be consequences to the budget cuts that have been made. Everyone claims to know the effects of furloughs on the Department of Education and our kids in school. Less known and publicized are the effects of furlough on the Departments of Agriculture, Health, Human Services. What about Labor, Defense, Accounting and General Services, the Department of Land and Natural Resources, and Taxation and others? I have concerns about the possibilities, and I hope that I am wrong. A burden lies on all of us for some of the choices that have to be made in this budget.

"Stages four and five of the five steps in stages of grief, are depression and acceptance. And as awful as it may sound Mr. Speaker, I sincerely hope that this will be a quick interim of facing depression that will lead to a Session of acceptance next year. That we will finally come to the realization that the old ways have passed, some things will never be the same, and that we are living in indeed a new age. But we are the ones living it now."

Representative Brower rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you. And we are responsible for what we do for our people now. Mr. Speaker, I truly believe that we can move through the stages of denial, anger, bargaining, depression, and find acceptance for where we are in this moment of history and time, and understand that we'll have to face the inescapable hard choices and decisions, we will be better posed to make the necessary hard choices confronting us next year.

"Mr. Speaker, let me make this point: acceptance doesn't necessarily mean giving in or giving up. Rather, acceptance should entail understanding of the situation and what needs to be done to fix it. During this interim of depression and acceptance we need to seek an understanding for what we're facing because only then can they accept it. Blind acceptance, or acceptance without understanding will lead to resentment. The goal for all of us is to avoid resentment upon each of us in our communities.

"Mr. Speaker, prior to the start of this Session I spent two days at the Fiscal Chairs' Seminar, and one message rang loud and clear. This is it. Despite a growing concession that the national recession, the principal cause of state fiscal problems ended, state finances will not recover in the near term. History shows that state budgets continue to struggle long after a recession ends.

"Mr. Speaker, your Finance Committee took these words to heart and throughout the Session strove to answer four basic questions. Number one, how far can we cut government programs and services? Number two, what programs and services are we willing to live without? Number three, are we willing to pay more for the programs and services we want? And number four, what do you want Hawaii to look like when the recession ends?

"Mr. Speaker, I support this budget not because I like the cuts that we made, but because of what cuts we did not make, and the programs and services we were able to save for now. Working with all the Chairs, but especially the Chairs of Health, Agriculture, Human Services, Education, and Higher Education who have been the voice of the voiceless, the guardians of the common good, this budget fights for restoration of several programs and personnel cuts by the Governor. This budget reflects our core values, core beliefs, and puts rare and precious dollars where they are most needed and necessary. Because of their insistence and leadership, wise counsel, and yes, even friendly criticism, this budget is what it is.

"Mr. Speaker, the decisions made this year were tough ones. The kind of decisions that keep you awake at night. Indeed my colleagues, please know that my dour demeanor is not a reflection of my deep joy and pleasure and great satisfaction in this great and noble endeavor as your Finance Chair, but only the effects of maybe too little sleep, too little surf, and much serious passion for our people and our home.

"Mr. Speaker, these are decisions we made in 2008 and 2009, and the 'low-hanging fruit' have been picked clean. So I leave this question to all of you: Members, what do you want Hawaii to look like as we emerge from this recession? And this will be my opinion, my personal one, but I find solace in our decisions because our critical needs are addressed and vulnerable populations will be saved, children at risk will be safe, and our *kupuna* and disabled will be protected and respected.

"*Hawaii nei* will be protected from destructive invasive species, our lands preserved, and our food safety ensured, our farmers allowed to grow and sell and ship their produce to foreign shores. At the same time we planted the seeds for energy and food independence and security. Even in these tough times we're able to find creative long-term methods and solutions to put us on a path to a more sustainable future. This in turn will drive our new economy, clean our air and water, and promote good green jobs and know-how for our youngsters and the future world they'll inspire and lead."

Representative Keith-Agaran rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Mr. Speaker. And thank you, Representative Agaran. Mr. Speaker, I'm proud of the work done by this Legislature in considering, debating and wrestling with options to battle and balance the budget. We have done so honestly, openly, transparently and respectfully. Mr. Speaker, you of all have continued to show a great foresight and courage in exposing a reluctant Body to the inevitable choices we soon must face in addressing government services in the era of declining revenues. Thank you Mr. Speaker, for bringing us to those bridges we soon have to cross, for your patience in delaying the crossing, and for leading the way for a better and safer cross for all of us.

"Despite our challenges I still believe that we can come together as a community. We have to. There is no one else but us. We are the ones we have been waiting for. So as we go out through our communities in the coming months we must resist the urge to promise everything to everyone. Certainly there will be offers of a *quid pro quo*, but be upfront and honest in fact. Honesty is a tool we need to help our neighbors move through the five stages of grief and help them on the path to acceptance. Ben Franklin's advice from over 200 years ago rings true today. Honesty is the best policy.

"Just like last year Mr. Speaker, our work does not end here, but it begins here anew. There are solutions that have yet to be discovered and there are better days ahead. We are Hawaii. We are all part of a great *'ohana*, and an even greater legacy. We are all interconnected by a few degrees of separation. We will put everybody back into the canoe, hold until they are firm, give leeway to the discouraged, restart our cadence, 'Hut, Ho,' and move Hawaii forward to the future we deserve. We had a temporary setback, but we can be stronger as a community, more caring as a people, more unified in purpose than we were just a few months ago. Symptoms of the recovery are there, locally and nationally, and I remain, as ever, 'cautiomistic.' I have no doubt that we will emerge from all of this, stronger and wiser. This too shall pass. Thank you, Mr. Speaker. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support of this measure with gratitude, but with some reservations. Mr. Speaker, the conundrum that we have as a state is that we have 2007 revenues, with 2009 expenses, therefore the shortfall. How we've gone about that is in an interesting way and some of the things that I want to comment on.

"I really appreciate what the Chair of Finance has said; that we've gone from varying stages of acceptance to denial. Procedurally, I would start with denial that this bill should be first, Mr. Speaker. We're passing this bill, and later on in this session are the bills that are going to fund it. There's probably $100 to $200 million that have not actually passed, but yet we're arguing the budget first. Now assuming that they go through, it's fine, but it seems a bit odd having the budget as the first point of argumentation.

"Having said that, I want to thank the Chair for his discourse with the people of Hawaii, but I would disagree with the strategy that the Chair of Finance has taken. There was in his stages of grievance, grieving also strategies of fear, strategies of keeping the community twisting in the wind by threats that not only would departments be decimated, but small businesses and job killers would be upon them, and the dreaded one percent GET tax. Mr. Speaker, that was held over the people of Hawaii for the last three to six months. All along knowing, and I want to thank the Chair of Finance for making the Minority do its own business by looking at the numbers early on, knowing that those taxes did not need to be raised.

"Mr. Speaker, we are grateful that you forced us to do a budget because when we did the numbers, we knew early on that those threats, those fear mongering things that the Budget Committee Chair was promoting were not justified. So Mr. Speaker, a lot of people can now say, 'Well, gee. You didn't do this,' but some of the things that you did looks like you're very generous. I think it was a very clever strategy, but it wasn't open, and it wasn't honest, Mr. Speaker.

"I think that's why we have to be more transparent when we do budgeting. We have to show people where the funds are and what they're doing. Again, I'm grateful to the Chair of Finance because we have a budget that's not only online, it's interactive, and it shows what assumptions can be made or not made according to what ones' preferences are for which areas need to be increased or decreased. Mr. Speaker, that's the kind of transparency that I think we need and not just a budget that balances for one year, but one that goes entirely for six years.

"Having said that Mr. Speaker, I'm grateful that all of the jobs killers I spoke of so extensively on this Floor did not come to pass. I'm grateful that the GET did not come to pass, but I am very regretful that at the eve of having an agreement, a Space Act signed by the State of Hawaii and NASA, that for two years in a row we have sunk the spaceship of the Office of Aerospace. We've shot them out of the air again. For two years they have not been funded. Mr. Speaker, that's going to be an embarrassment and I would encourage the Chair of Finance, I would encourage WAM and all the people that have anything to do in the departments with money, to make sure that funds are made available for the Office of Aerospace.

"Another regret is some of the unnecessary increases and taxes that the people of Hawaii will have to pay. And with that are some of the things that I think later on when we look at the numbers, we'll know that we really didn't have to do that. We didn't have to increase the tax burden as the cost of living in Hawaii continues to soar. The cost of doing business continues to soar. And it's not me speaking. It's the latest data that we are the second highest in the world for conducting business. Those are the people who hire our people to do the job of employment.

"So in conclusion Mr. Speaker, we can make war through stages of denial and anger and acceptance by being more transparent. I think the Finance Chair has the psychology right, except the methodology is slightly askew. We need to be more open, more transparent, and I would encourage, regardless of what our numbers are, to work with the Minority on these things. The same that is going on at the national level."

Representative Marumoto rose to yield her time, and the Chair "so ordered."

Representative Ward continued, stating:

"That there is an economic contribution, there is an economic insight that even though our numbers are small, some of the insights of which fortunately were able to be put through some of the major newspapers and some of the blogs pointed to the website. That we can be more transparent. We can be more open. We can share with the people of Hawaii what otherwise they were for the last six months, fearful of what this Body would do. Now everybody's grateful because it's not going to come to pass, and I would use the same quote as the Chair of Finance that Ben Franklin said, 'Honesty is the best policy.' But when it comes to budgeting, Mr. Speaker, transparency is the best policy. Openness is the best policy. And collaboration is the best policy. Thank you."

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I am Representative Tsuji with a 'T.' Thank you. I stand and rise in strong support, Mr. Speaker. I support this final budget in its amended form. First of all I'd like to say that I'd like to thank you, and I also would like to convey an apology.

"I thank the House Finance Committee Chair, the members, and the staff for toiling countless hours in arriving with this final bill. Thank you very much. I would like to apologize also personally because I've gone down to the Finance Chair, his Committee members, his staff, his aides, volunteers, and I know for a fact Mr. Chair, that sometimes I went beyond acceptable protocol. I consistently badgered, I consistently pleaded to help refine the Department of Agriculture's budget. Not only for budget's sake, not only for the Department of Agriculture, but also for all of us here in Hawaii and our quality of life that we all so deserve. Taking a phrase from the Committee Report, "reprioritize State spending to maintain the most essential services." I thank the Committee for recognizing agriculture as one of those essential services.

"With that in mind, the Committee on Agriculture recognizes the restoration in part of the agricultural portion of the budget, after our Governor sliced 44% of the general fund budget. Needless to say, this was a staggering amount. Not only staggering, but to me personally, highly incomprehensible. At a time when Hawaii is placing its effort on less dependence on imported foods, striving to export more to the mainland and foreign countries, Mr. Speaker, foreign destinations, we are consistently and constantly battling the ever increasing threat of invasive species. They jeopardize our economy, our industry, and our way of life.

"Yes, last September the Governor restored 22 of 50 inspectors that were laid off statewide. These inspectors were and are necessary for protecting our ports of entry. The Conference Committee has also restored a number of other important personnel. This restoration meets a very heavy obligation to assure that we have the best front line of defense against invasive species. Believe you me, Mr. Speaker, these are invasive species of the worst kind. They are mass destructors. Thank you, very much."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes thank you very much, Mr. Speaker and Members. I'm Souki with an 'S.' The alphabet one. I know some people think otherwise. Mr. Speaker, I want to speak for the budget with some reservations.

"First of all, I want to speak on the good parts of the budget. The Chairman, and you, and the members have done an excellent job. Not only this year, but the past year in balancing the budget. Faced with huge deficits last year and this year, you were able to overcome that and balance the budget in a very humane way. For this I heartily, and we all, thank you very much for the great job that you have done.

"My concern is and the reservation I have is in some of the projects that we're responsible for, and maybe we didn't care enough for it or didn't have enough of an oversight. One of that is ATDC, which I had the honor to be the Chair of the Conference Committee. We had a difficult time. The Senate had other ideas how to handle the Aloha Tower and we wanted to preserve it. The ATDC, Aloha Tower, is very important with the harbor programs and the harbor improvements that we now have.

"In fact Members, Act 200 passed in 2008 provided for a partnership between ATDC and DOT for the major harbor improvements that we are to have. It mandates, and I use the word, mandates, that ATDC partner with the DOT harbors and shall have the jurisdiction to implement the projects for the harbor improvements for Honolulu, Maui, Kauai, Big Island, Hana.

"However, there are some in the other Chamber who obviously did not read this and attempted to scuttle ATDC. Not being able to scuttle ATDC because the House, through your efforts also Mr. Speaker, supported me in not buying the proposal of the Senate to dismantle ATDC, and of the Chairman of course.

"However, in the closing hours of the Session, a proviso was included on page 341, section 163-1, it says, 'Provided that notwithstanding any laws to the contrary, no funds authorized by this or other appropriation acts shall be expended or encumbered by or for Aloha Tower Development Corporation; and provided further that the Governor is authorized to transfer funds held or encumbered by the Aloha Tower Development Corporation to appropriate state agencies for the disbursement of its obligations.'

"Now of course Aloha Tower is not to spend it at this moment, however they have no budget. They have no money. And this year, we just killed it. The question is, how are we going ahead with the harbor improvements? Yes we can. There's staff who will probably pick it up, but it will be delayed a year, two years. And then there's the question of law. It says in Act 200 that ATDC shall have the jurisdiction. But this action here in the late hours eliminated that.

"So Mr. Speaker, I'm very disturbed that this happened. And it happened in the late hours. Maybe it passed through your hands and through the Chairman's hands, but certainly something like this should be rectified at some point in time, otherwise the harbor program will be jeopardized."

Representative Magaoay rose to yield his time, and the Chair "so ordered."

Representative Souki continued, stating:

"Thank you very much, Representative Magaoay. Thank you. Of course the other concern I have is that some very key positions in the airports have been eliminated when we're going through the airport modernization program also. And that's another story and hopefully sometime in the future we can put those positions back in, knowing the stress you were in.

"So Members and Mr. Speaker, and to the Chairman, I do not fault you. I know that you were under complete pressure, and the Speaker and those members of the Committee, but I think for these things here, we should look at some way of how we can prevent this from happening. That can scuttle a program because somebody doesn't want the program to continue. Thank you, very much."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Mr. Speaker, before I go into the actual budget, I would like to give my thanks to a bunch of people that I think we worked collaboratively with. I would like to thank the Chair of Finance and just clarify that the work that we did in the Finance Committee I think was very valuable. I have not worked with any other Finance Chair, but from my understanding and my personal experiences with working with the Chair, I really do appreciate all his hard work and all of his dedication to balancing this budget. I do want to thank the Finance Committee. It's very tough work being on the Finance Committee. Being up until sometimes 4:30 in the morning, and I'm sure for the staff as well as the Finance Committee being up later than that once the business is over for the day.

"But I just wanted to say that one day at 2:00 in the morning my head started to bob and my eyes were closed. A majority of the Finance Committee that was there in the meeting tried to wake me up and jot me notes, and tug at me and basically saying, 'Lynn, you've got to stay up. It doesn't look good if you have your eyes shut.' And it's so very true and that was way past my bedtime anyway. No matter what, if we are disagreeing on points, I think we still can agree that we're all trying to do the right thing and we all have good intentions moving into working with this budget.

"Mr. Speaker, I do want to thank the Finance staff and HMIR staff and highlight two people, Boyd Akase, as well as Beth Fukumoto from Representative Ward's office. I also wanted to thank my Caucus because with the information that we would learn in Finance Committee in bringing these numbers to the table, we worked collaboratively with each other to come up with our six-year plan and a balanced budget. Something that we thought was very important that all six of us would come together and come up with a plan that would represent how the Republicans would handle the difficulties of balancing a two-year budget, as well as a six-year plan.

"Mr. Speaker, I did say that our intentions are good and I think the goals are good. A sustainable future. Defining core government services. Recovering from this economic downfall. Mr. Speaker, I think one of the biggest differences between the ideas of the Majority and the ideas of the Minority is that the Minority really felt the need to live within our means. To not increase taxes because we felt that when the economy slows down and our tax revenues are less, that that represents what's happening out there in our economy in general, and what happens in family budgets, as well as business budgets. And as much as we would have wanted to express that by keeping programs and spending at higher levels, we felt that the best way that we could recover from this economic downfall is to live within our means.

"Mr. Speaker, some of the things in general, like the special fund development and special fund raids, we were able in our six-year financial

plan, as well as our balanced budget, to not have to raid those funds. We felt it was important because when you're setting up these funds it's meant for a specific reason. And we were there 'til 4:30 in the morning hearing all of the reasons on why these particular special funds were needed. There were projects that were being done and projects in the future that were going to happen. So when we passed out these special funds raid bill, it went from $90 million, down to I think $5 million. And the actual budget, the bill that actually passed which helps this budget balance is back up to I think $45 million.

"Mr. Speaker, a lot of the decisions that we make in this budget we will not be able to truly know how this will affect the State, no matter how much we have testimony and no matter how much work ..."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I'm not going to talk too much more Mr. Speaker, but what I will say is the private sector needs to recover and I think it is our responsibility to live within our means. As a clarifying point, from what I know of the Finance Committee and the Finance Chair, I believe that this process was pretty transparent. The things that I would like to say where I think we could improve on transparency would be the public, as well as the Minority being able to see the Majority's financial plan for six years. I think that would be really helpful in understanding what the differences are, and what was included and what was not included. This is a document that I think is really important for decision making and in the future if we could consider making that public, the six-year financial plan of the Legislature and/or the House, that would be very important for us.

"You know Mr. Speaker, because of the more overarching general beliefs that I have on how we need to balance the budget, I was actually going to vote no on the budget. But after really hunkering down and saying that we made suggestions along the way, and many of them were taken through this process. Many of them were tough. And as a gesture of the ability to come to the table and make some of those tough decisions, even though I disagree with the overarching values and beliefs in working and living within our means, that I will be voting yes with reservations.

"To wrap up, Mr. Speaker, when we were talking about the House Draft of this bill, there were many accusations on what the Governor wanted to do. Cut this. Cut that. Blame the Governor on this. Blame the Governor on that. When in actuality much of her budget is now in this budget. So I think at the very least we should acknowledge that some of the tough decisions that the Governor had made, we are also agreeing with her on many of those decisions that she is being blamed for.

"So Mr. Speaker, I want to once again thank you and thank this Body for all the work. This wasn't an easy year. It was a very challenging year. When times are good, we're able to maybe do more with programs, but when times are tough and times are bad I think we should definitely look to more living within our means. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, this budget is the result of many months of research, testimony, discussion and negotiation by members of the Finance and WAM Committees, their staffs, and the Chairs. The Committee Report, which I read twice, reflects a very sober assessment of the economic realities we face not only this year, but in the years to come, and makes suggestions for changes in policy and direction. No one could have foreseen the extent of the present economic crisis, but the report minces no words when describing the red flags that had appeared in the past like the burgeoning cost of Medicaid, an undisciplined system which seems to shout, 'cost is no object,' or the exorbitant cost of overtime in the prison system.

"This is a realistic, down to earth budget, which offers no excuses and the report rightly criticizes the Executive's approach of quick fix, one-time solutions, and putting off until tomorrow what should be done today. I'm very happy to have been a part of the process which avoided raising both the GET and taking the TAT from the counties, which seemed inevitable to some.

"I'm also happy to see that tax or fee increases comprise only 5% of the budget. That's 5%, a very small amount. 57% of the budget comprises general fund budget cuts and lapses, and in many ways, sad to see.

"I'm proud that the budget sets definite priorities and makes it clear that although the recession is easing, our State will be dealing with fiscal shortfalls well into the next few years. But it also offers ideas, possible solutions, and preserves positions for better times in the future. I'd like to thank the brilliant and cheerful Finance staff, always cheerful, very brilliant, and all the members of the Finance Committee who stayed late, mostly came on time, asked probing questions, and gave up weekends to increase their own knowledge while going line by line through the budget draft.

"We were fortunate to be led by a Chair who has been described by none other than Lowell Kalapa as someone who really understands the budget and does his homework, working 24/7. We were constantly amazed by his innumerable flip charts, graphs and drawings, which helped us to understand the vagaries of the budget, and by the ability of the Chair to find just the right page in his large collection of notebooks punctuated by post-it notes in order to make a point with a testifier when we sat transfixed. Above all, transparency and openness were at the top of the Chair's agenda at all times, and the Committee was always able to share information, ask questions, whenever they wanted to. I think that's probably one of the most important things about being part of the Finance Committee now.

"So here we are for the final vote. It hasn't been without some blood, sweat and tears. A lot of tears, sometimes. But it is a responsible, truthful document of which we can all be proud, and I urge the Member's support. Mr. Speaker, I'd like to add some additional written remarks in the Journal. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2200, HD1, SD1, CD1. This budget is the result of many months of research, testimony, discussion and negotiation by members of the Finance and WAM Committees, their staffs and the Chairs.

"The Committee Report reflects a very sober assessment of the economic realities we face not only this year, but in the years to come and makes suggestions for changes in policy and direction. No one could have foreseen the extent of the present economic crisis, but the report minces no words when describing the red flags that had appeared in the past like the burgeoning cost of Medicaid—an undisciplined system which seems to shout "cost is no object" or the exorbitant costs of overtime in our prison system.

"This is a realistic, down to earth budget, which offers no excuses, and rightly criticizes the Executive's approach of quick fix, one-time solutions, and putting off until tomorrow what should be done today.

"I am very happy to have been a part of the process, which avoided raising the GET and taking the TAT from the Counties, which seemed inevitable to some. I am proud that the budget sets definite priorities and makes it clear that although the recession is easing, our state will be dealing with fiscal shortfalls well into the next few years. Ideas and solutions are offered and positions are preserved for better times.

"I would like to thank the brilliant and cheerful Finance staff, and all the members of the Finance Committee who stayed late, mostly came on time, asked probing questions and gave up weekends to increase their own knowledge while going line by line through the draft.

"We were fortunate to be led by a Chair who has been described by none other than Lowell Kalapa as someone who really understands the budget and does his homework. We were constantly amazed by the innumerable charts, graphs and drawings which helped us to understand the vagaries of the budget and, by the ability of the Chair to find just the right page in his

large collection of notebooks in order to make a point with a testifier, while we sat transfixed.

"So now we are here for the final vote. It hasn't been without some blood, sweat and tears. But it is a responsible, truthful document of which we can all be proud. I urge the Members' support."

Representative Yamashita rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I rise in support. I'd like to speak on the portion pertaining to capital improvements. At the outset of the 2010 Regular Session, the Governor proposed a modest capital improvement program in her supplemental budget request. Her budget called for a reduction of $30.4 million in FY10, and an increase of $164.935 million in FY11.

"Your Committee on Conference recommended an ambitious capital improvement program for this biennium to stimulate job creation and revitalize our economy. Your Committee on Conference increased the total number of appropriations for capital improvement projects above the Governor's request by nearly $453 million or roughly 270%. The total outlay was funded by increasing the general obligation issuance by $150 million, and lapsing over $170 million in previously approved appropriations, and obtaining over $32 million in savings in bond refinancing.

"Your Committee on Conference scoured all previously approved appropriations to identify projects that have not proceeded for whatever reason. It is important to note that the Committee believes that these funds previously appropriated were for worthwhile purposes. The fact that these appropriations were lapsed should not be construed as a statement by the Legislature that they were not worthwhile; rather, because of the dire economic situation that we now face and the desperate need to proceed with construction and stimulate our lagging economy, your Committee took the extraordinary measure in shifting $170 million in previously appropriated appropriations in new projects in the hope that construction will begin immediately. All the $452 million proposed in new projects in FY11 were with the Governor's supplemental request.

"Your Committee on Conference added more than $147 million to the University of Hawaii. Major projects included $48 million for design, construction, equipment and the development of the University of Hawaii, West Oahu. $28 million for construction, equipment and a new Hawaiian language building at the University of Hawaii at Hilo. $20 million for plan, design, construction and equipment for project Renovate to Innovate, a new initiative by the University to consolidate renovation of existing laboratory facilities. $35 million for capital renewal and deferred maintenance. And $18.625 million for repair and maintenance for health, safety and code requirements.

"The Governor's supplemental request contained zero dollars for the Department of Education facilities. Your Committee on Conference asserts that the upkeep and maintenance of lower education facilities are vital to the educational needs of our *keiki*. Accordingly, your Committee approved $92.8 million for new projects for the Department of Education. Major projects included $30 million in lump sum for repair and maintenance of existing projects. $15 million in lump sum for electrical upgrades, and $4.35 million for lump sum gender equity projects including improvements required by the court for a softball field for Baldwin High School.

"Lastly, so there is no misunderstanding Mr. Speaker and colleagues, there were some technical amendments made to the budget on certain capital improvement projects previously approved that were not lapsed on June 30, 2010, while various stakeholders and government agencies work to expend these funds. These projects include the acquisition of land previously held by the Galbraith Estate; construction of a gymnasium civil defense shelter at Ka'u Pahala Elementary School on the Big Island; and the construction of a new science building at the University of Hawaii, Maui College, on Maui.

"Let me stress that these projects do not include any provisions of new funds. Since they are from a technical standpoint, the original appropriation is lapsed, then reverted back to the bond fund. The re-appropriation of the same amount has no, I repeat, no impact on the financial plan. Mr. Speaker, with that I would like to insert the rest of my comments into the Journal. Thank you."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 2200, House Draft 1, Senate Draft 2, Conference Draft 1, Relating to the State Budget. I would like to speak on the portion of this bill pertaining to capital improvements.

"At the outset of the 2010 Regular Session, the Governor proposed a modest Capital Improvement Program in her supplemental budget request.

	FY10	FY11
Act 162, SLH 2009	$2,567,588,000	$972,303,000
Governor's Supplemental Budget (HB2200)	$2,537,188,000	$1,137,238,000
Adjustments	-$30,400,000	$164,935,000

"The Governor's budget request called for a reduction of $30,400,000 for FY10, and an increase of $164,935,000 for FY11.

"Your Committee on Conference recommends an ambitious Capital Improvement Program for this fiscal biennium to stimulate job creation and revitalize our economy.

	FY10	FY11
Governor's Supplemental Budget (HB2200)	$2,537,188,000	$1,137,238,000
HB2200, CD1	$2,531,645,000	$1,690,134,000
Adjustments	-$5,543,000	$452,896,000

"Your Committee on Conference increased the total appropriation for Capital Improvement Projects above the amount appropriated for fiscal year '11 in Act 162 by nearly $453 million, or roughly 270% above the Governor's suggested increase.

"Our total outlay was funded by:

(1) Increasing the General Obligation Bond issuance by $150,000,000;

(2) Lapsing over $170 million in previously approved appropriations; and

(3) Obtaining over $32 million in savings from bond refinancing.

"Your Committee on Conference scoured all previously approved appropriations to identify projects that have not proceeded for whatever reason. It is important to note that your Committee believes that all of the funds previously appropriated were for worthwhile purposes. The fact that these appropriations were lapsed should not be construed as a statement by the Legislature that they were not worthwhile. Rather, because of the dire economic situation we now face, and the desperate need to proceed with construction to stimulate our lagging economy, your Committee took the extraordinary measure of shifting over $170 million in previous appropriations to new projects in the hope that construction will begin immediately.

"Of the $452 million proposed in new projects for FY11, over the Governor's supplemental request, your Committee on Conference added more than $147 million for new projects at the University of Hawaii. Major projects include:

(1) $48 million for design, construction, and equipment for the development of University of Hawaii, West Oahu;

(2) $28 million for construction, and equipment for a new Hawaiian Language Building at the University of Hawaii at Hilo;

(3) $20 million for plans, design, construction, and equipment for Project Renovate to Innovate, a new initiative by UH to consolidate the renovation of existing laboratory facilities;

(4) $35 million for capital renewal and deferred maintenance; and

(5) $18.625 million for repair and maintenance for health, safety and code requirements.

"The Governor's supplemental request contained ZERO new dollars for DOE facilities. Your Committee on Conference asserts that the upkeep and maintenance of our lower educational facilities are vital to the educational needs of our *keiki*. Accordingly, your Committee on Conference approved $92.8 million for new projects in the Department of Education. Major projects include:

(1) $30 million in lump sum for the repair and maintenance of existing facilities;

(2) $15 million in lump sum for major electrical upgrades; and

(3) $4.35 million in lump sum for gender equity projects, including the improvements required by court order for the softball field for Baldwin High School, Maui.

"Lastly, so that there are no misunderstandings by my colleagues, there were also technical amendments made to the budget that ensures that certain capital improvement projects previously approved would not lapse on June 30, 2010, while the various stakeholders and government agencies work to expend these funds. These projects include:

(1) The acquisition of lands previously held by the Galbraith Estate, Oahu;

(2) The construction of a gymnasium/civil defense shelter at Ka'u High and Pahala Elementary School, Hawaii; and

(3) The construction of a new science building at the University of Hawaii, Maui College on Maui.

"Let me stress that these projects do not include the provision of any new funds. Since, from a technical standpoint, the original appropriation is lapsed and reverted back to the bond fund, the reappropriation of the same amount has no, I repeat, NO, direct impact to the financial plan."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much Mr. Speaker, in support. First may I have the words of the previous speaker entered in the Journal as if they were my own, minus the Baldwin High School part.

"Just a few words from an outsider's perspective of the budget, if you will Mr. Speaker. I'm in support. There are things in this budget that I and many of us could look at to say, 'Well I'm not happy about this,' or, 'We wish it could have gone another way.' But I believe that with any bill you could say that and when you step back and look at the totality of how the budget has arrived and the decisions that were made, that I'm proud to stand up and give my support to this piece of legislation today.

"First, on behalf of my community and many others, I'd like to thank the Finance Chair, yourself and the members of the Finance Committee for supporting a 150 year tradition of the Lahainaluna boarding program. Your support in continuing the funding for this year will allow the community to work together during the off-session to evolve, grow and make this program better than before, while reducing the capital cost to the State. Thank you very much, again.

"I'd also like to note that this budget does many things, but one thing it does not do is it does not take away the counties' share of the TAT to balance it thereby pounding our citizens even harder who rely on these services every day. The counties are carrying a lot of the water right now, both in the needs of our citizens, as well as many state programs. I thank you and the Finance Committee for moving forward without having to rely on that.

"Mr. Speaker, this is a good budget because it basically is based 57% on cuts, living within our means. Only 5% is based upon new taxes. Given the fact that the Finance Chair had very little to work with, with an overwhelming oppressive economic situation, I applaud him for doing the fiscal homework and for basically cutting and reprioritizing and reutilizing things that have lapsed in order to arrive us at a balanced budget.

"Mr. Speaker this budget, I believe, solves the dilemma of today, but I also stand up with a warning for tomorrow. Members, we're facing next year, an ARRA cliff of $900 million. This year we're picking up $275 million by delaying tax returns until we pass July. We're not going to have those luxuries next year, Mr. Speaker. In fact in the outlying years it's clear to see that our expenditures will definitely outstrip our revenue. So Mr. Speaker, while the future is going to be challenging, I applaud the Finance Chair and the Finance Committee for their hard work and due diligence in helping us to right the ship for this year and to use the tools both federally and locally that are available. I'm confident that this will help set the stage, that we can look to these outlying years and be able to tackle them in a pragmatic situation that will not require us to destroy jobs, or to basically ruin our economy in the sake of trying to get a balanced budget for the State Constitution. Again, in strong support. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise on this budget in favor, with some reservations. I know that I myself do not serve on Finance and there's a reason for that. I do have a small one. So therefore, I have all due respect and homage to the people who do spend very late hours with the Finance Committee, and the complexity of what the budget does entail. With that, my respect goes out and I know that we are, as it has been said numerous times, people are trying to do what they can. And it's not easy.

"But I guess I just couldn't stay and sit in my seat without giving an alternative perspective that some may have of the process. Granted, not from the inner workings of the Finance Committee but from the outside of how some people feel because there were some things like audits. There were some things that are cuts that we can't explain because priorities, people's value systems are different and you start to wonder about, is this because I'm on this side? Or I'm on that side?

"I'm just going to read a little bit, just food for thought. Because this is one of my favorite books and I think that's it apropos for food for thought.

"Man is the only real enemy," right? Maybe you could switch out business for that.

"Remove Man from the scene, and the root cause of hunger and overwork will be abolished forever. Man is the only creature that consumes without producing. He doesn't give milk, he doesn't lay eggs, he's too weak to pull the plow, and he can't run fast enough to catch rabbits. Yet he is the lord of all the animals. He sets them to work, he gives back to them the bare minimum that will prevent them from starving, and the rest he keeps for himself.

"Why then do we continue in this miserable condition? Because nearly the whole of the produce of our labor is stolen from us by human beings. Remember comrades, your resolution must never falter. No argument must lead you astray. Never listen when they tell you that Man and the animal's have a common interest, that the prosperity of the one is the prosperity of the others. It is all lies. Man serves the interest of no creature except himself. And among us animals let there be perfect unity, perfect comradeship in the struggle. All men are enemies. All animals are comrades.

"The vote was taken at once, and it was agreed by an overwhelming majority that rats were comrades. But there were only four dissentients, the three dogs and the cat, who was afterwards discovered to have voted on both sides."

The Chair addressed Representative Ching, stating:

"Representative Ching, can you confine your remarks to the budget that is before us in making the correlation?"

Representative Ching continued, stating:

"The correlation is that this is from *Animal Farm* and it's a treatise on how government is run and how a group of animals who asked the humans from the farm on which they lived, end up running the farm only to have it degenerate into tyranny.

"My fear is that business should not ever be felt to not have a place at the table and from an outsider's perspective, albeit. I just really felt this Session that there was not the understanding that prosperity, when business thrives, it provides jobs, and that all prosper together. So when we say honesty is best policy, I couldn't help but be honest. And my feeling was that some animals are created more equal than others."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just have a few short things that I did want to also add. I wanted to basically also point out and thank my partner from the Minority side, the Representative from Hawaii Kai. Through both of us working together we were able to really help each other in this process and I just really wanted to make sure that I thanked him in public. As well as I wanted to give just a short rebuttal on two things.

"One is the CIP issue and talking about the difference of what the Governor did and what this budget does. I just want to remember that even from the words that came out of the people from DOE themselves, talking about how they were unable to handle the amount of CIP projects that they were given in the past, and that we be mindful about that in just saying that Governor didn't give, and we gave. That we should be thinking about that as well.

"Also the delicate issue of the Lahainaluna boarding system and school; when it comes down to it the reason why I believe that the Board of Education had made that suggestion and others are actually thinking about that suggestion of potentially not considering that a priority in Department of Education is because that works to about approximately $5,000 more per pupil that they receive for the boarding school when most of these children, if not all of these students, do have home schools that they can go to. I understand the tradition, but I really do believe if the Representative is saying that they are going to be looking at other solutions on how to have this school exist, but not give them special treatment over and above other students across the State. I believe that we owe that to our education system to be able to transition out of public support that will be over and above other students who are equal to them.

"Mr. Speaker, can I also adopt the words of the Chair of Transportation on the ATDC? Thank you."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of the budget bill. Thank you, Mr. Speaker. Dealing with a $1.2 billion shortfall, your Finance Committee working with the Ways and Means Committee came up with a $1.4 billion solution. I think that's quite historic. They did this without raising the GET by 1%. They did this without taking the hotel accommodations taxes from our counties. This is very historic. In addition, they were able to protect essential health, human services and education programs and positions.

"Mr. Speaker, I'm very concerned that throughout the Session the Department of Human Services administration wanted to close every single office. I've repeated myself a number of times on this issue, and I'm glad to see that the Finance Chair, Ways and Means Chair, and both Senate and House leadership agreed, that's not the prudent thing to do. Let's not hit the panic button. We can prudently navigate through this most difficult time. They did this by defending those most essential programs and positions. Child Protective Services, Adult Protective Services, care homes, programs for the aged, blind and disabled, care for our domestic violence victims, employment programs for those that are in need, immigrant services. They provided essential services to over 300,000 of Hawaii's most needy residents. They did this prudently.

"So I support this budget bill and I appreciate all the work that both the Senate and House leadership did, as well our money Committee Chairs. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. First of all I would like to thank the Finance Chair and Senate WAM Chair for their dedication, as well as their staff. Also I would like to publicly acknowledge my Vice-Chair and the members of the Health Committee including the Minority Leader.

"Mr. Speaker, standing up in support regarding the portion specifically addressing health and human services. Mr. Speaker, it's been a tough year. The Department of Health, as well as the Department of Human Services did take their share, and sometimes even more than their share of some of the budget cuts. Mr. Speaker, the two Departments did lose valuable personnel, as well as positions.

"However Mr. Speaker, during the situation of fiscal crisis, it never left our minds, as well as with the commitment of the Finance Chair, to protect and ensure that programs like the Hawaii Health Systems Corporation and programs dealing with Healthy Start, Kupuna Care, as well as the protection of our firefighters for all they do, Mr. Speaker. This budget, during this fiscal time, shows a true commitment to not only hearing the people of Hawaii, but also preparing for the future.

"One final note Mr. Speaker, which I think needs to be acknowledged, is the fact that with this budget, the way it is, we not only got valuable capital improvement projects throughout the State of Hawaii as noted by the CIP Chair, which I think he noted only projects on Maui, there are other parts of the State other than Maui. But Mr. Speaker, this budget also allowed important fiscal opportunities to continue in bill form which included the Disproportionate Share for hospitals, as well as the use of the Rainy Day Fund for valuable health and human service programs. So thank you, again."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a couple of additional comments, please. First to thank the Representative from Maui who reminded us that there's a big hole in the budget coming when ARRA funds, the federal funds are not going to be coming in the next few years. That's a very sobering remark and a reminder that a balanced budget of one year does not make a six-year budget balanced. Mr. Speaker, what we've got here is a one-year balanced budget. By the Constitution, the Governor has to have a six-year balanced budget, and I encourage the Finance Chair to push the balanced budget, keeping in mind what the Representative from Maui said, that when that *puka* comes in, we've got to be able to fill it. That is a very insightful thing.

"The second thing I'd like to do is thank the other member from Maui who reminds us, until we look at the budget, we're not sure that this budget is what it is. It's got as many pages as the Health Care Act and until you read it, you don't know what pet projects and what, as the Representative from Maui mentioned, got cut, displaced, disseminated, or decimated, and are there. So I encourage everyone to read the budget.

"And lastly Mr. Speaker, the budget debate is not over, because we're going to put it on the website, juxtaposed to the Minority balanced budget so the people of Hawaii can see what the budget is. What decisions were made. You know some of these estimates, well it's all cuts and it's not tax increases. I think the data may bear that out differently, but it's going to be different color-coded. Here's the House Minority Budget. Here's the State Budget. Here's where we overlap. Here's where we disagree. So the people of Hawaii can see openly and transparently what it is that we've done here today. Thank you."

At this time, the Chair stated:

"Members, we've had a lot of discussion on the budget this morning. If any of you would like to submit written comments for or against the Budget that is before you, you may do so at this point in time."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for House Bill 2200, Relating to the State Budget. The operating budget has been balanced with spending cuts, vacancy eliminations, and tax increases. I strongly believe that the budget could have been balanced with bolder spending cuts instead of tax burdens on taxpayers. But because this budget bill included all the good things we worked on this session, I will reserve my no vote for the individual bills that carry the tax increases.

"On a positive note, the CIP budget will bring much needed funding for various projects including our airports, highways, harbors, and most importantly, our schools.

"The $48 million appropriation for campus development of the University of Hawaii – West Oahu will lead to further educational opportunities for the people of Hawaii, and reduce traffic for my community. The construction of the campus will also bring much needed jobs for those that are unemployed.

"For the reasons above, I rise in support with reservations for House Bill 2200."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2200, Relating to the Budget. As we are at the half-way point of the 2010 Legislative Session the budget comes to the forefront of this Body. This legislature must find the delicate balance of balancing our budget yet keeping jobs and sustaining funding for vital community services and programs. I believe it is important to grow our small businesses, for it is these small business that are the back bone of our economy. We must find ways to help our small businesses because their success expands outwards to the rest of our economy.

"Fiscal inefficiency has been the chief reason for our State's budgetary woes. It is simple economics that you can't spend more than you bring in. As I pour over statistics and research looking at past budgets and this proposed budget, I find areas where we can be more fiscally sound. The Director of the Department of Human Services, Lillian Koller, has found several ways to make government more efficient. One proposal Mrs. Koller has come up with is to reform the processing of applications and renewals for public assistance programs, including welfare, Medicaid and nutrition benefits. Mrs. Koller doesn't want to cut services to the needy. Rather, she wants to provide a more efficient service. This model of efficiency has been used quite successfully by many states, most notably being Florida.

"We must be more fiscally efficient as a Body. The great people of Hawaii have put their faith in us and we owe them prudence, diligence, and bipartisanship, especially during these economic times. It is of the utmost importance that we embrace fiscal integrity for the security and prosperity of our great citizens. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, to clarify some comments made by our esteemed colleague from Maui, there is a budget proviso in HB 2200 CD1 that reads as follows:

"SECTION 163.1. Provided that notwithstanding any laws to the contrary, no funds authorized by this or any prior appropriations act shall be expended or encumbered by or for the aloha tower development corporation; and provided further that the governor is authorized to transfer funds held or encumbered by the aloha tower development corporation to appropriate state agencies for the disbursement of its obligations."

"As the budget Conference Committee wrapped up its negotiations, less certain was the final disposition of SB 2942 – the bill that would restructure the responsibilities of the Aloha Tower Development Corporation (Corporation).

Knowing that there probably wouldn't be any budget for the Corporation in fiscal year 2011, it was important to ensure that any:

1. Contractual obligations of the Corporation be honored in any subsequent reorganization; and

2. Existing statutes and/or policies and procedures would allow the Harbors Modernization Group projects to move ahead without any delay or obstacle.

"In fact, it was my belief that all relevant parties, both public and private interests had and did have ample time to ensure that important programs such as the Harbors Modernization Program continue its work undisturbed.

"Prior to making final decisions on the budget, I met with Harbors Division Deputy Director, Mr. Michael Formby, on Friday, April 16, 2010. Joining us via cell phone conference-call was Mr. Brennon Morioka, Director, Department of Transportation. Mr. Formby assured me that he has met with staff and informed them of the status of SB 2942 and emphasized the following:

1. The importance of working with Aloha Tower Development Corporation on the transition of Harbors Modernization Group contracts via assignments to the Department of Transportation by June 30th;

2. The need to maintain work schedules with the existing contracts and consultants;

3. The need to evaluate existing Harbors Modernization Group staff for possible incorporation into the Department of Transportation – Capital Improvement Program – project funded positions, for continuity of service;

4. The ability to hire these project funded positions without the need for an additional appropriation;

5. The need to fill, as soon as possible, the lead Harbors Modernization Program project leader position with an engineer, as well as other key project management positions;

6. The need to revisit the Harbors Modernization Program expenditure plan given 2010 legislative appropriations and existing project schedules;

7. The need to assign the Aloha Tower Marketplace contract to the Department of Transportation, the landowner, and work with the marketplace, maritime museum and surrounding tenants on a viable economic plan until a legislative decision is made on waterfront development, preferably through the Hawaii Community Development Authority; and

8. The desire to convene a voluntary advisory Harbors Modernization Group board as a subset of Hawaii Harbors User Groups to work with Department of Transportation on project implementation

"It was my impression from that meeting that the DOT did not want to restart any of the projects and that it would use the available CIP project funded positions for engineers, and not necessarily all of the current Corporation staff. It was also understood that should the Corporation positions be transferred to the Hawaii Community Development Association (HCDA) that it may be proper to also transfer the jurisdiction and oversight of the Aloha Tower Market Place and its special fund to HCDA. I later came to an understanding that placement of the Aloha Tower Development Corporation staff may be an option given the present vacancies and available source of funding at HCDA.

"With significant construction projects scheduled to begin between FY 2012 and FY 2015, after an initial bond issuance in FY 2011, any transition of and between the Corporation and the Department of Transportation Harbors Division and HCDA is critical to the ultimate success of the projects. It was my belief that the proviso, brought forward by Senator Kim and drafted by the Senate Ways and Means Staff, was included in the budget to ensure that this can occur without any delay or obstacle. My understanding of the expenditure restrictions was the concern of any remaining funds, whether general or special would be improperly transferred and/or used for purposes unrelated to the Corporation.

"Finally, while I cannot comment upon the concerns raised by the Speaker Emeritus regarding the recent opinions of the Attorney General and the Director of the Department of Budget and Finance, it is useful to know and appreciate the fact that within the Supplemental Budget bill another provision reads as follows:

"SECTION 9. MISCELLANEOUS. If any portion of this Act of its application to any person, entity, or circumstance is held to be invalid for any reason, then the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible."

"As such, it is my opinion that should proviso 163.1 be read to prohibit any expenditures of prior appropriations by and for the Corporation, and such prohibition may result in the delay of the Harbors Modernization Program, the assignment of the Aloha Tower Marketplace contracts, and possible transfer of certain Corporation staff to the Hawaii Community Development Corporation, the above referenced Section 9, should take precedence and deem such restriction null and void, and the remaining portion be expended to fulfill the objective as expressed herein of such appropriation to the extent possible.

"For this and for other reasons expressed herein, I support passage of this measure."

Representative Har rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support with written comments."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.B. 2200, H.D. 1, S.D. 2, C.D. 1, Capital Improvement Project item number 101.01.

"I want to thank my colleagues, especially the Finance and Capital Improvement Projects Chairs, for including this appropriation of $48,000,000 for the University of Hawaii-West Oahu in the budget. This appropriation will be used for the design, construction, and equipment for the development of the campus in Kapolei. The project will include ground and site improvements and construction of infrastructure and new facilities.

"This state-of-the-art campus will enhance the development of Kapolei as Oahu's "Second City." In order to meet the needs of the fastest growing area on Oahu and afford the students the same opportunities found at the Manoa campus, continued operations from the temporary facilities located on the Leeward Community College campus for the past 30-plus years is no longer practical.

"Mr. Speaker, this funding reflects the commitment of the Legislature to make possible the long-standing promise of providing the young adults of West Oahu equal access to four-year college degree programs, removing barriers of long commutes or renting housing near the Manoa campus. Moreover, the new campus will encourage business development in the surrounding area, creating a "University Village" that will stimulate the economy by bringing job opportunities to our community.

"It is for these reasons that I stand in support of H.B. 2200, H.D 1, S.D. 2, C.D.1 and will continue to be a strong advocate for future funding of the University of Hawaii-West Oahu. Thank you, Mr. Speaker."

Representative Belatti rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise with reservations on HB 2200, CD 1. There is perhaps no other bill more important as a statement of our priorities and values than this year's supplemental budget bill. I applaud the efforts of the legislators and staff members from both the House and the Senate who have labored hours over this bill to preserve much needed services and programs that are at the very heart of government's mission to provide for the public safety, education, health and human services, and economic and environmental prosperity of our island community.

"My reservations with this bill, however, as with the House Draft that crossed over, are premised on revenue generating bills that I am either in opposition to, have failed to pass, or for which I now have grave reservations. For example, I am concerned that we are not certain of the unintended consequences of revenue generation bills, like Senate Bill 2401 that may be the subject of litigation that locks up any revenues that can be used to meet the State's fiscal obligations. I am also concerned that further decreases in revenues may provide the rationale for further cuts to government that would hurt core governmental services without the input of the Legislative Branch. For these reasons, I vote with reservations for HB 2200."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2200, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 49 ayes, with Representatives Cabanilla and Tokioka being excused.

At 10:23 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2200, HD 1, SD 2, CD 1

At this time, the Chair stated:

"Before calling a recess, have the Members of this House submitted their respective proposed floor amendments for discussion purposes with the respective Caucuses? Have all of the floor amendments been submitted to the Clerk? If they have, this is your last chance."

At 10:23 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock a.m.

At this time, the Chair recognized the Clerk who announced:

"I have been informed by a representative of the President of the Senate that the Conference Committee Report for House Bill No. 2200, HD 1, SD 2, CD 1, was adopted, and said House Bill No. 2200, HD 1, SD 2, CD 1, Relating to the State Budget, passed Final Reading in the Senate at 10:35 a.m. on this day.

"In addition, I have been informed by the Assistant Clerk of the House that at 10:38 a.m. on this day, House Bill No. 2200, HD 1, SD 2, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9 of the Hawaii State Constitution."

ORDINARY CALENDAR

UNFINISHED BUSINESS

At this time, the Chair stated:

"At this time, Members of the House, may we turn to page 21 of our Order of the Day, and we will be taking Conference Committee Report No. 147-10, House Bill No. 2486, HD 2, SD 2, CD 1, out of order."

Conf. Com. Rep. No. 147-10 and H.B. No. 2486, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2486, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

At this time, Representative Souki offered Floor Amendment No. 15, amending H.B. No. 2486, HD 2, SD 2, CD 1, as follows:

"SECTION 1. H.B. No. 2486, H.D. 2, S.D. 2, C.D. 1, RELATING TO EDUCATION, is amended by amending section 1 to read as follows:

"SECTION 1. Act 51, Session Laws of Hawaii 2004, stated, "Ultimately all education reform must be driven by the needs of students. Students are the primary clients served by the public education system and they must be served well by providing them with access to the tools they need to succeed, a nurturing environment conducive to learning, and supplementary opportunities for growth that facilitate their development.

Accordingly, especially in light of the instructional hours lost due to furloughs, the purpose of this Act is to require the phase-in of implementation of a certain number of student instructional hours at all public schools, except charter schools, as follows:

(1) Part II requires the department of education to maximize the amount of student instructional hours provided to students under relevant collective bargaining agreements in effect during the 2010-2011 school year;

(2) Part III requires the establishment of a certain number of student instructional hours per school year for elementary and secondary school grades, for the 2011-2013 school years, and for the 2013-2015 school years;

(3) Part IV requires the department of education to, with the board of education and Office of the Governor, and in consultation with representatives of the affected collective bargaining units, submit to the legislature, no later than twenty days prior to the convening of the 2012 regular session, a plan to provide students with a higher number of student instructional hours per school year for elementary and secondary school grades, for future school years; and

(4) Part V requires the department of education to provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes, and also requires the department to consider pick-up and drop-off times that optimize its transportation services while minimizing costs to the State, if implementation of such student instructional hours results in varying schedules for the transportation of students."

SECTION 2. H.B. No. 2486, H.D. 2, S.D. 2, C.D. 1, RELATING TO EDUCATION, is amended by amending section 5 to read as follows:

"SECTION 5. Section 302A-406, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department [~~may~~] shall provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes. The department shall adopt such policy, procedure, and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district; the school attendance area in which a school child normally resides; the distance the school child lives from the school; the availability of public carriers or other means of transportation; the frequency, regularity, and availability of public transportation; and the grade level, physical handicap, or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area. If the implementation of student instructional hours pursuant to section 302A- results in varying schedules for the transportation of students, the department shall consider pick-up and drop-off times that optimize the department's transportation services while minimizing costs to the State.""

SECTION 3. H.B. No. 2486, H.D. 2, S.D. 2, C.D. 1, RELATING TO EDUCATION, is amended by amending section 7 to read as follows:

"SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.""

Representative Souki moved that Floor Amendment No. 15 be adopted, seconded by Representative McKelvey.

Representative Souki rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker and Members, I rise to speak in favor of the floor amendment on House Bill 2486, CD 1. What can we as legislators guarantee our children, our public school children? Truly, try as we might, despite our best efforts we cannot guarantee them a great, or even an adequate education. We have no control over what goes on in the schools, which have depressingly suffered in the last eight years.

"Some will say that our public schools are in worse academic shape now than ever. And although we try through the repair and maintenance and capital improvements budget process, to provide money to build and maintain schools, we are not in charge of building or maintenance either. Try as we might, we can't even guarantee the *keiki* that the buildings are straight and properly maintained.

"In this bill, HB 2486 as amended, we are demonstrating for the first time the role of the Legislature that children have a right to go to school for a minimum number of days per year, and that they all have the right to a certain specific number of hours and minutes of classroom instruction each day. Perhaps Mr. Speaker, we can guarantee one more thing that our children can at least get to school in the morning and home at night again.

"That is why I proposed this floor amendment today to also give our children the right to get to school on the school bus. The school bus is the most expeditious, most environmentally friendly, and the safest way to transport school children yet devised. It's better than walking or riding a bicycle, and safer. It's far cheaper than private vehicle transportation, and safer. If we're going to secure for our *keiki* the right to attend school for a legislated number of days and have the right to a minimum of hours and minutes of instruction each day, then we ought to also secure for them the right to get to school in the first place.

"What happens in a classroom when they get to school is not up to us. How schools are maintained is not up to us. But can we not agree to guarantee our children in this difficult time when all others seem incapable of agreement that at least this Legislature would say to our *keiki* and especially our neighbor island children, you can go to school, we guarantee it.

"I urge my colleagues from every island and every school jurisdiction to join with me today in telling everyone in our State that if the other authorities, the unions, and any other entity that has responsibility for education cannot see the way for a better day for our children, that by this legislation we can. As the duly elected Representatives of the people, we

will take the responsibility to whatever degree the Constitution allows. Thank you, Mr. Speaker and Members."

Representative Herkes rose to speak in support of the proposed floor amendment, stating:

"Thank you Mr. Speaker, in very strong support of the proposed floor amendment. Mr. Speaker, I have schools that are 30 miles apart. Kindergarten schools. Naalehu to Hookena is 30 miles apart. There's no guarantee that there's going to be any school bussing at all, and we're very concerned about that.

"The other thing is, to just get on a bus is a mile and a half. I don't want my kids walking a mile and a half in the vog. That's just not acceptable. In strong support."

Representative McKelvey rose to speak in support of the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. In strong support. May I have the words of the Speaker from Wailuku entered into the record as if they were my own, and just a few comments if I may.

"Mr. Speaker, I'm very passionate about this floor amendment because of what the two previous speakers have said. We can do a lot of things for instructional hours, instructional days, but if the kids can't get to school to begin with, then what are all these efforts for, Mr. Speaker?

"Mr. Speaker, this is a knife that cuts hardest on the lowest of the socio-economic ladder, Mr. Speaker. It is truly the disadvantaged of the rural and Neighbor Island communities that will suffer the most by not having transportation made available.

"I know there have been concerns saying that this is a mandate and that every child will take the bus. But the reality is, most parents who are taking their kids to school or carpooling will continue to do so. It is for those kids that cannot get there that rely on this bus service. That is what we're trying to say.

"What we're trying to say to them is that when you leave in the morning, when you go to work, when your child waits for the bus, they will get safely to school. And in many areas like my good friend and colleague from East Maui, getting to school by walking is a dangerous endeavor in and of itself. There are no safe routes to schools in these areas, Mr. Speaker.

"So Mr. Speaker, I stand in strong support because I believe that if we're going to give education, access to education for all, then we at least need to provide the way for them to get there in a safe manner. Thank you, very much."

Representative Nakashima rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, as I often remind my good friend, the Representative from Manoa, my House District is the size of his island.

"Mr. Speaker, in my district I have three high schools. As a teacher at Honoka'a High School, the students were on the bus for about an hour and a half before they got to my classroom every morning, and then an hour half on the way home. That's three hours round trip for many of my students. While this is not an ideal situation, at least they got to school. Mr. Speaker, I'd like to request permission to enter remarks."

Representative Nakashima's written remarks are as follows:

"In strong support of Floor Amendment No. 15. Mr. Speaker, as I often remind my good friend, the Representative from Manoa, my House District is the size of his Island.

"Mr. Speaker, in my District, I have only three high schools. As a teacher at Honoka'a High School, my students were on the bus for one and a half hours before they got to my classroom. While this is not an ideal situation, at least they got to school.

"It is important to ensure that these students in rural areas have the opportunity for a safe route to school. There is no other viable public transportation available to students in these areas, and the large distances make it difficult to coordinate rides in any meaningful way. I believe that the Legislature has a fiduciary responsibility to set forth a policy that ensures all of our students have fair and equal access to a quality public education. An important part of this policy is providing bus transportation to our students who need it."

Representative Carroll rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, in my district I have islands. I'm a 'canoe district.' So let me start by saying, on the Island of Lanai there's one school and not everybody has the means of transportation. There is no public transportation there, and to walk to that school may take hours.

"On the Island of Molokai there's lot of distance between the schools. By not having a bus system it would only encourage the students to be truants, to stay home, and possibly hang out with their friends and do drugs. We don't want to promote that.

"And on East Maui where I live, it's very dangerous because there are no sidewalks. There are no safe zones for these kids to walk. So if you don't provide them with the kind of transportation that they need to get to school, what will happen is that they will hitchhike because in the County of Maui you can hitchhike, but we don't want to promote that because we never know what may happen to our kids. They may end up in the bush. They may end up in a ditch.

"We need to look at safety, we need to look at providing the means so that they can learn, and giving the parents the option. Many of the parents in my district work more than one job. It's very hard for them to coordinate or even have a car. They have to carpool and find other means to get to their jobs. Mr. Speaker, I'd like to ask that the comments from the Representatives from Wailuku and Lahaina be inserted in the Journal as my own. Thank you."

Representative Tokioka rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like to ask for a ruling on a potential conflict. My son rides the public school bus to school every day, and his mom lives a mile and a quarter from the school," and the Chair ruled, "no conflict."

Representative Tokioka continued to speak in support of the proposed floor amendment with reservations, stating:

"Thank you. I'm in support with some reservations. I'd also like to ask that the comments of the speaker from the Volcano area be entered in the Journal as if they were my own, those brief words. Mr. Speaker, I think some of the things that we learned during this whole issue of transportation and getting our kids to schools is that there are districts on the Neighbor Islands, and here as well on Oahu, where kids have no other option. So for that reason, I'm in strong support of it.

"But as a member of the Finance Committee, I also see the pain and suffering that many other agencies have gone through as well. So for those reasons I have some reservations because we don't want to over-promise and under-deliver. And we don't know how we are going to manage this fiscal crisis. I think as the Finance Chair has spoken about earlier, we did our best to manage the crisis as we saw it.

"So for those reasons Mr. Speaker, I stand in strong support with some reservations. But I want to thank everyone for being involved, for the bus drivers and the companies that came, for the Board of Education that came to discuss their concerns and all of the parents who emailed us and shared their concerns with us. Thank you, Mr. Speaker."

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. Mr. Speaker, I have a procedural question and I would like to address it if I may to the Majority Leader."

At 11:54 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:58 o'clock a.m.

Representative Thielen rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I am in opposition to this floor amendment. I sympathize with the need to get children to school safely, but my concern is the underlying bill is so important. It will extend the school day, the school hours for students. It is so important. And if we pass an amendment and the Senate does not do it in the exact same form, then the underlying bill will be dead, and that's too big a risk. Too many people have worked too long and too hard to get our children back into school."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, thank you very much. You may address this issue when we get back to the main motion. Thank you."

Representative Thielen continued, stating:

"Fine. And then these are my reasons though Mr. Speaker, why I cannot support this floor amendment and I would really strongly urge everyone else in this Chamber to oppose the floor amendment. Not on the merits, the merits were good. But oppose it because we need to get the children back into school for longer hours and to educate them. Thank you."

Representative Sagum rose in support of the proposed floor amendment and asked that the remarks of Representatives Souki and Tokioka be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Tsuji rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, in support. Thank you."

Representative Finnegan rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition and short comments. This amendment changes the language from, 'the Department may,' to, 'the Department shall provide suitable transportation to and from school and for educational field trips for all children grades Kindergarten to 12th grade.'

"Mr. Speaker, I think the arguments that have happened on the Floor are good ones, but this bill is not pragmatic and the reason why I say that is because I look at the words and it says, 'and for educational field trips.' My daughter or my son may go to the Big Island. In the morning they meet at the airport at 5:00 in the morning. Does that mean that you have to get the children from their home to the airport? And that now the Department of Education has to provide that transportation?

"Mr. Speaker, in the budget I believe there's $64 million for transportation. Right now, as I understand it, these contracts for transportation, sometimes there's only one bid that goes in for a particular area when there could be more companies that actually bid for that contract. The competition in that area, sometimes the contract comes back and might be more than it needs to be.

"Mr. Speaker, you need to allow the Department of Education, as well as the Board of Education to go through a process on where there absolutely needs to be transportation and let them decide on how to provide that. If $64 million is not enough money for transportation for the kids of Hawaii, then what we should do is go to the Department of Education, and the Board of Education meetings, and talk about prioritizing maybe some of the issues where transportation is a little bit less attainable and prioritize those districts as having transportation and bus services.

"Mr. Speaker, when that happens, I don't think that you'll end up seeing the transportation money come away from those areas, whether 3 miles, 6 miles, or halfway across the Big Island, or Maui, or between oceans. That won't happen with $64 million, Mr. Speaker.

"So it's just the pragmatism of this particular amendment that I think that we need to take a look at, be mindful that we cannot box in the Department of Education to provide suitable transportation to and from school and for educational field trips for all children. I don't think that that is something that we should bind the Department of Education, especially when parents, teachers, principals and school communities are willing to work with the schools. Thank you."

Representative Ward rose and stated:

"Mr. Speaker, I have a procedural question. If in effect, the concern is that our amendment will not mesh, gel, or be equivalent to the Senate amendment, why do we not just amend the amendment to make it fit so this transportation issue can be expedited and we get on with it, rather than having the whole thing die and then these kids that have got no way to school don't get to school."

The Chair then stated:

"Representative Ward, you are in support of the floor amendment? With an amendment? I do not have your amendment."

Representative Berg rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition to the amendment proposal and just a few brief comments. I'd like to call on our colleagues to just take a breath. This is not a transportation bill that we're talking about. The intent of the paragraph in this bill that relates to transportation was added so that the Department of Education's attention could be called to the fact that if instructional hours become changed and schedules are then affected, we would like the Department to be cognizant of wanting to have transportation to be congruent.

"So in other words, if the elementary schools will start at the same time as the high schools, then transportation should be adjusted accordingly. I think what's really important is we hear our colleagues' comments about transportation, especially on the Neighbor Islands, that in the following Session they'll become priority in the budget to assign moneys, if that be the case.

"As the Minority Leader had shared, it is to then talk to the Board of Education. So I would ask our colleagues, with all due respect to the initiator of the floor amendment, to pause for this moment and really consider the underlying bill. Thank you, very much."

Representative Hanohano rose to speak in support of the proposed floor amendment, stating:

"Mahalo ho'omalu 'ōlelo. Ke kū nei au e kako'o loa kēia kumu mamua kākou. Makemake au e 'āpono nā hua'ōlelo 'o nā luna maka'ainana mai ka lua pele, Hamakua, Waiakea, Hana, Lahaina a me Wailuku, e like me ko'u mana'o. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker, I rise in strong support of this matter before us. I would like to adopt the words of the Representatives from Volcano, Hamakua, Waiakea, Hana, Lahaina and Wailuku as if they were my own. Thank you.

Representative Wooley rose in support of the proposed floor amendment and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"This floor amendment to HB 2486 would require that bus service continue to be provided so that our kids can get to and from school safely. The amendment would change the bill so that it is mandatory rather than permissive to provide this bus service. I support the amendment for the sake of our kids, their safety, and their future. Particularly for kids in rural areas, such as kids in my district, public school bus service must continue. There are few sidewalks and the roads are dangerous and not designed for the safety of our children. I ask that you all support this amendment so we can be sure our kids are transported to and from school safely."

Representative Takai rose to speak in support of the proposed floor amendment with reservations, stating:

"Mr. Speaker, in support with reservations. Thank you. I'd like the Representative from Wailuku's comments entered into the Journal as if they were my own. Thank you, Mr. Speaker. I do understand and appreciate the concerns about the underlying bill and the importance of the underlying bill.

"However, I think that if I put myself in the position of our Neighbor Island colleagues and try to understand the situation from their position, I think we'll all agree that the student transportation issue is a big one. I'm voting in support with reservations because I do believe that the Department of Education has to send a message, a letter, some kind of information to our Neighbor Island colleagues and our colleagues on the rural part of the Island of Oahu with clear plans in explaining their position on student transportation as we move forward.

"Because as I've said many times in the past, a student learns best in school. In fact we have numerous studies that show that the number one factor of student success is student attendance. And if a student isn't in school, he or she does not learn. Thank you, Mr. Speaker."

Representative Chang rose in support of the proposed floor amendment and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Yamashita rose to speak in support of the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. In support. Basically I am supporting all the comments made by my Neighbor Island colleagues, but also I'd like to just make note that if this floor amendment doesn't make it, that I publicly would like to request that the Board of Education and the Department look at possibly funding transportation through a mechanism similar to free and reduced lunch based on the means of being able to pay. I think there are those that can afford to pay more, and maybe that could be an option as far as funding transportation. Thank you."

Representative Keith-Agaran rose to speak in support of the proposed floor amendment, stating:

"Thank you Mr. Speaker, also in strong support and again, I would echo the remarks of all the previous speakers from the Neighbor Islands, that this is an important issue for us. Thank you."

Representative Awana rose in support of the measure and asked that the remarks of Representatives Takai and Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Coffman rose to speak in support of the proposed floor amendment with reservations, stating:

"Thank you, Mr. Speaker. In support with some reservations. On the Big Island, basically our schools are literally miles and miles apart, and we have no sidewalks. We need busing, Mr. Speaker. Thank you."

Representative Bertram rose to speak in support of the proposed floor amendment, stating:

"In strong support."

Representative Souki rose to respond, stating:

"Yes thank you very much, Mr. Speaker and Members of the House. Thank you for your patience, and hopefully your understanding of the problem which is not only of the Neighbor Islands, but with the rural areas of Oahu. We understand that this bill, while I believe is very important, the message is even more important. And I believe that we have sent a message, that there is a problem somehow in communicating the transportation needs between the Board and maybe even ourselves.

"I believe we need to look at this a little more comprehensively, Mr. Speaker. And I wish to thank you for giving us the opportunity to speak our minds relative to the need. With this Mr. Speaker, I wish to withdraw my motion."

Representative McKelvey rose, stating:

"Yes Mr. Speaker, I too will withdraw my motion. But I hope the message has been received loud and clear by the Department of Education. Thank you, very much."

At this time, Representative Souki withdrew his motion, and Representative McKelvey withdrew his second.

(Main Motion)

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you. Just in strong support."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you. In strong support of the underlying motion. I want to thank the Representative from Maui for withdrawing his amendment because otherwise we would have lost the bill to provide for a decent number of instructional hours in our schools. We have a lot of catching up to do Mr. Speaker, and this bill is a first step. I thank him very much for that."

Representative Pine rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. I think we can all agree that Furlough Fridays are probably the worst thing that would happen to the families of our community. This bill, I think, is one of the most important bills that we're going to pass this Session because it sends a very clear message to our leaders within the Department of Education that you can never touch our school days again. That can never be an option when budgets are reduced. So I think many parents, students, as well as teachers, will breathe a very large sigh of relief today with this passing."

Representative Ching rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I'm very proud to support this measure that addresses one of the most pressing issues that everyone would like to see solved. As a former educator at Ma'ema'e School, I can't tell you how saddened I felt when I know that our public school students are not going to school on Friday. And that the parents are struggling to find care for them. So this is a measure that we can stand behind, and I'd just like to ask for additional written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support to H.B. 2486 - which establishes a minimum number of instructional hours per school year for each grade. Although we find ourselves in a state of economic crisis, the education of Hawaii's students should always be one of our top priorities. We must recognize that the length of the instructional day in Hawaii's

public schools is among the shortest in the nation. Hawaii has come up short with our schools having fewer than 750 instructional hours per year, when the standard for private and public schools is 900 hours per year. In addition, 80% of American schools spend less than Hawaii at $10,200 per student yet we have less instructional time than any other state in the nation. These numbers cannot be ignored. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in favor of this bill. I am delighted to see that we have some mandated days for education. I think parents will be very happy to see that. But on the other hand I would like to caution that this is mandated only for the years 2011 to 2013, and after that we must remember to continue this policy of setting it down by legislation. I would not like to see it revert back to collective bargaining to be determined in that arena as to how many schools days we need. I just rise to bring up that point. Thank you."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you in strong support, and may I insert written comments."

Representative Belatti's written remarks are as follows:

"I rise in strong support of HB 2486, CD 1 which increases the number of instructional hours for Hawaii's public schools over a five year period and requires the Department of Education, the Board of Education, and the Governor to come up with a plan, in consultation with representatives of affected collective bargaining units, that will achieve this higher number of instructional hours to benefit our public school children.

"The 2009-2010 school year, with its 17 Furlough Fridays, has been a tragedy for the public school children of this State. It is shameful that we, as a State, have been unable to come to an agreement to put Hawaii's children first and to recognize the importance of prioritizing our children's future and their opportunities to succeed, especially if we want this State to prosper in the future. HB 2486, CD 1 sets us on the right path of setting some minimum standards for public education that cannot be collectively bargained away by the adults sitting around the negotiation table. We cannot, of course, stop with this type of reform, but hopefully this bill will foreclose future furloughs to our children's potential for success.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, this bill will fulfill a large *puka* if you will, in what otherwise all of us assume that we would have a 180 days in our educational system. We would never slip down below to where we were as the national joke, 163 days. Third world countries have much more education than we.

"This gets us back up, but Mr. Speaker I would encourage us to think even beyond this to 190 to 200. I know it's not just quantity. It's quality. We've got to push the envelope continually. And speaking of which, we've got to push this transportation envelope. This 'loosey goosey,' 'may' or 'you can consider,' that's not going to cut it. The kids have to get to school. This is still pretty soft, mushy language. I think we can do better. But this fulfills a commitment to the people. Furloughs will not continue. Thank you, Mr. Speaker."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. HB 2486, H.D. 2, S.D. 2, C.D. 1 requires a certain number of student instructional hours at all public schools. This bill also requires the Department of Education (DOE) to consider pick-up and drop-off times that optimize its transportation services while minimizing costs to the State, if implementation of such student instructional hours results in varying schedules for the transportation of students.

"This bill focuses the number of DOE school days where it belongs – on actual classroom instructional time. This bill increases the amount of quality time students spend in the classroom by requiring intermediate and high school students to receive more instructional time than most other states – six and a half hours a day over 180 instructional days.

"Currently, Hawaii is one of only a handful of states that does not set a minimum of instructional time statutorily, but rather relies on collective bargaining with the Hawaii State Teachers Association. It has been well publicized that the imposition of 17 furlough days for School Year 09-10 and School Year 10-11 gives Hawaii the shortest instructional year in the nation. According to the Education Commission of the States, Hawaii currently also has one of the shortest school days in the country. This reality is counter to the direction taken by the U.S. Department of Education of encouraging states to increase learning time for students by offering financial incentives.

"I urge my colleagues to vote in favor of this bill."

Representative Nakashima rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"I believe that this bill sets forth the legislative intent and policy of the State that any future budgetary constraints should not negatively impact the number of instructional days available for the quality delivery of education in our public schools. The furloughs have resulted in our schools having the lowest number of instructional days in the country. That, coupled with the low level that our students consistently test at, prove that educational reform is not just something we should want to do, it is a necessity. While this measure may not be the 'golden egg,' it is an important first step in ensuring a quality public education for our children."

Representative Bertram rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Bertram's written remarks are as follows:

"While the DOE has received significant cuts in its operating budget and must look at all options when minimizing costs, it cannot be at the expense of our children's safety. Extending out the perimeter of school buses that would require children to walk farther to school presents more opportunities of danger such as increased traffic exposure."

Representative Berg rose to speak in support of the measure, stating:

"I stand in strong support, and wish to thank the colleagues for their vision. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2486, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

At 12:15 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2486, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 69-10 and S.B. No. 2646, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2646, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

At this time, Representative Shimabukuro offered Floor Amendment No. 16, amending S.B. No. 2646, SD 1, HD 2, CD 1, as follows:

"SECTION 1. S.B. No. 2646, S.D. 1, H.D. 2, C.D. 1, is amended by amending sections 1 and 2 as follows:

1. By amending paragraph (1) of section 1 (page 1, lines 12-15), be deleting the terms "recreational" and "competitive" and to read:

"(1) Formal worldwide recognition of the designated surfing site as an area that has quality surf and significant cultural, historical, and sports value;"

2. By amending the first paragraph (3) of section 1 (page 2, lines 1-3) to read:

"(3) Promotion of the long-term preservation of Hawaii surfing reserves."

3. By amending the last paragraph of section 1 to delete the reference to Makaha Bay and to read:

"The purpose of this Act is to designate the surf breaks:

(1) From the Ala Wai to the Waikiki War Memorial Natatorium on the island of Oahu; and

(2) From Haleiwa to Sunset beach on the island of Oahu, as Hawaii surfing reserves."

4. By amending section 6E- (a), Hawaii Revised Statutes, in section 2 to delete the reference to Makaha Bay and to read:

"(a) There is established:

(1) The Waikiki Hawaii surfing reserve, which shall include all surf breaks off the area of Oahu bounded by the Ala Wai and the Waikiki War Memorial Natatorium; and

(2) The north shore Hawaii surfing reserve, which shall include all surf breaks off the area of Oahu from Alii beach in Haleiwa to Sunset beach.

Each Hawaii surfing reserve shall extend from the high water mark and include all surf breaks within the defined reserve.""

Representative Shimabukuro moved that Floor Amendment No. 16 be adopted, seconded by Representative Nishimoto.

Representative Thielen rose and stated:

"Thank you, Mr. Speaker. I have the same concern. It's a procedural question as to whether or not the Senate is considering the exact same language in a floor amendment?"

The Chair addressed Representative Thielen, stating:

"I believe the sponsor of the floor amendment will speak on that after you are finished speaking. Representative Thielen, would you give up your time for the sponsor of the floor amendment?"

Representative Thielen: "I would like to hear that, and then I would like to speak. Thank you."

Representative Shimabukuro rose to speak in support of the proposed floor amendment, stating:

"Thank you very much for the question and yes, the Senate has adopted this identical floor amendment on their side earlier today. Really, this amendment is simply to clear up a miscommunication that resulted in adding Makaha to this bill unintentionally, or at least not in the intention of the community. It is also to remove references to recreational and competitive surfing which was intended by the Conference Committee, but was still in the purpose clause. So it's sort of a technicality at this point. Thank you."

Representative McKelvey rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In support of the floor amendment. Just some brief comments. I believe that this floor amendment restores what the House position has been on this issue all along, and that is to give the community the tools it needs and the support to stave off the developmental pressures, as well as to protect the environmental quality of these invaluable areas to the people of Hawaii, Mr. Speaker.

"Bottom line is, if the reefs die Mr. Speaker, and the environment degrades to a point, the waves will stop coming in. They won't break the same way and future generations will not be able to enjoy the very same things that their forbearers once did as well.

"This floor amendment Mr. Speaker, by taking out references to 'competitive,' restores what I believe was the intent all along on this bill, which is to give the community and the various groups who are out there working to try and make sure that these surfing places are there, in perpetuity, the tools it needs to make sure that when they paddle out, they'll enjoy the same clean water, same pristine conditions, and same aloha that we enjoy today, as well as those who've come before us. Thank you."

Representative Marumoto rose to speak in opposition to the proposed floor amendment, stating:

"Thank you Mr. Speaker, I will oppose this particular amendment. I don't quite understand why Makaha was taken out of this measure, because I consider it a great surfing venue. It's famous. Everybody knows this. It's got great surf. My understanding is the area was included at the request of Senate President Colleen Hanabusa and other leaders. So I just feel that it should be included in this bill too, that designates great surfing spots in Hawaii. Thank you."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. With the explanation from the amendment's proponents, I do support the floor amendment. And as the Senate has also passed this exact one, I believe that the Members here should vote for this so we can establish these surfing reserves. It's very appropriate for Hawaii. Thank you."

Representative Brower rose to speak in support of the proposed floor amendment with reservations, stating:

"Mr. Speaker, with reservations. It's just ironic that if this item is so wonderful, why do so many surf spots want to be taken out of it? Once we start to talk about the body of the Act, we see that it's more of a resolution than putting that in statute. I think it would be problematic. Thank you."

Representative Berg rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of the floor amendment. Thank you, very much. And I wish to thank the Representatives from Lahaina as well as Makaha for being very deliberate and ensuring that the House's intent to preserve surfing spots is really what the language says. If we are in such a hurry to reserve these spaces, then at least we have another two days, 48 hours, if this floor amendment passes to discuss it. Thank you, very much."

Representative Shimabukuro rose to respond, stating:

"I'm sorry. I just wanted to respond that the reason that Makaha is being taken out is that it was added in on the 23rd of April on Friday by the Conference Committee, and the community in Makaha was unaware of it until after the fact. They just simply aren't really for or against the bill. They just want more time to understand fully, what the implications are before they take the leap and be added in. Thank you."

The motion that Floor Amendment No. 16, amending S.B. No. 2646, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," be adopted, was put to vote by the Chair and carried. (Representative Marumoto voted no.)

At 12:21 o'clock p.m. the Chair noted that Floor Amendment No. 16, was adopted.

At this time, the Chair stated:

"Members of the House, for this particular measure, Conference Committee Report No 69-10, we will be taking this up on Thursday to make the 48-hour requirement."

Conf. Com. Rep. No. 123-10 and S.B. No. 2395, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2395, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

At this time, Representative Thielen offered Floor Amendment No. 18, amending S.B. No. 2395, SD 2, HD 1, CD 1, as follows:

"SECTION 1. Senate Bill 2395, SD 2, HD 1, CD1, is amended to provide for a smoother transition of public school teachers and their dependents from the voluntary employee's beneficiary association trust to the Hawaii employer-union health benefits trust fund by extending the sunset date of the voluntary employee's beneficiary association trust from six months to twelve months (June 30,2011) as follows:

1. By amending the second sentence of the second paragraph of Section 1 (at page 1, lines 12-13) to read:

"The legislature declares that it does not intend to make

the enabling law permanent, but will extend the sunset date for another pilot testing period."

2. By amending paragraph (1) of Section 1 (at page 2, lines 7-10) to read:

"(1) Extend the enabling law for the voluntary employees' beneficiary association trust for twelve months to provide for a smoother transition to the Hawaii employer-union health benefits trust fund;"

3. By amending Section 2 (at page 3, lines 1-15) to read:

"SECTION 2. Act 245, Session Laws of Hawaii 2005, section 8, as amended by Act 294, Session Laws of Hawaii 2007, section 2, as amended by Act 16, Session Laws of Hawaii 2008, section 18, as amended by Act 5, First Special Session Laws of Hawaii 2008, section 1, is amended to read as follows:

"SECTION 8. This Act shall take effect upon its approval, for the purpose of establishing a voluntary employees' beneficiary association trust pilot program in March, 2006 and shall be repealed on [~~July 1, 2010~~] June 30, 2011; provided that sections 89-2, 89-3, 89-6, and 89-9, Hawaii Revised Statutes, are reenacted in the form in which they read on the day before the effective date of this Act; and provided further that the amendments made to section 89-6, Hawaii Revised Statutes, by Act 202, Session Laws of Hawaii 2005, shall not be repealed when that section is reenacted on [~~July 1, 2009.~~] July 1, 2010.""

Representative Thielen moved that Floor Amendment No. 18 be adopted, seconded by Representative Marumoto.

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you. Mr. Speaker, this floor amendment is identical to the one that has already been passed by the Senate which means that it would not kill action on extending VEBA, which is the health insurance for the teachers.

"Mr. Speaker, I know that there's a move to put everyone within the same plan, and that's the Employer Union Health Benefits Trust Fund, but that Trust is experiencing a great deal of trouble as everyone here in this Body knows. The underlying bill itself would allow VEBA to continue until the end of December. I believe that it should be extended as provided in the amendment so the new administration could take a look at that and see whether or not it would support a continuation of the VEBA plan.

"VEBA has been very good for the teachers. They have had good coverage at a decent cost. I don't like to penalize them by taking it away from them. That's the purpose for the amendment. Thank you."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in support of the amendment. Mr. Speaker, it would seem to be the only right thing to do. You can't suddenly crash, stop and then continue with benefits that otherwise would expire within a matter of weeks or months. I know there's a six month extension. This gives some breathing room. It gives a chance to figure out what we're doing and where we are going.

"The previous speaker mentioned the EUTF. The EUTF is bleeding $1 million per month. I've heard jokingly and then seriously, VEBA should take over EUTF. They're doing a better job at it. The point is, we've got to get health benefits straight, just the same way we're getting Furlough Fridays straight. We've got to get this, and this is the first beginning for that. So this amendment is a first step forward."

Representative B. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to the amendment. Very briefly I will just cite a letter by our State Office of the Auditor dated December 2, 2009, and therein she basically summarizes why she does not believe continuation of the VEBA plan is appropriate.

'We found that the VEBA Trust pilot program, one, promotes adverse selection and increases premium cost for the EUTF enrollees. Two, it duplicates administrative costs borne by the State employer. And three, it cannot ensure transparency and accountability in providing health benefits for teachers and teacher retirees. Overall the HSTA VEBA Trust breaks up the EUTF health plans and they negatively effect the EUTF.'

"I believe that this conclusion by our State Auditor as fully documented in her report is something we need to pay attention to. The underlying bill provides a six month window with which to provide for transition. I believe that six months is appropriate for that transition and that one year is much too long, if we are going to continue to save costs. People have been talking about bleeding all over this place. We just passed our State budget. We talked about our huge deficit and the need to actually live within our means. And surprisingly, despite what our own Auditor is recommending, people here are going forth with recommendations that go counter and contrary to our need to contain costs. For those reasons I rise in opposition."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, yes I favor the amendment and hope that others would see the rationale of it. But as the Hawaii Kai Representative pointed out, the Hawaii Employer Union Health Benefits Trust Fund is encountering numerous difficulties performing its duties and has been for several months, since the end of last year. It's due to increased and more complex workload, a shortage of personnel, which I don't think we could help soon enough, and absence of Board leadership. Hopefully a bill will help change that, but that will take some time to put into place. And a lack of administrative leadership. They need strong leadership immediately, and hopefully they have someone in mind, but how fast can that person get up to speed.

"The staff of the Hawaii Employer Union Health Benefits Trust Fund will experience difficulty assisting in the transition of thousands of public school teachers and all their dependents from VEBA to the Hawaii EUTF. So we must give them more time. They have many current duties which they also must handle and this would be additional duties. So I urge you to consider the transition time needed. Thank you, very much."

Representative Rhoads rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, in opposition to the amendment. From the debate so far, you would think that this was a partisan issue, but I don't believe that's the case. When the Labor Committee heard HB 7 back in February, HB 7 was an extension of the VEBA sunset date, both the Department of Human Resources Development and the Department of Budget and Finance testified against the extension. Thank you."

Representative Manahan rose and stated:

"Mr. Speaker, just a point of clarification. Is this particular floor amendment the same version that was passed out by the Senate?"

The Chair responded, stating:

"I believe so, but I may stand corrected. It may, or may not be the same at this point."

At 12:29 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:32 o'clock p.m.

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I am still in favor of the amendment. I would just like to remind Members that the Senate has passed this exact amendment. If we do not pass it, what that means is that VEBA ends in June, this June. And EUTF no way can handle that. It would be disastrous for the teachers, the retired teachers, and their families. So I would encourage everyone to vote for this amendment, Mr. Speaker. Thank you."

Representative Ito rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a conflict? I have a VEBA plan. Thank you," and the Chair ruled, "no conflict."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

At this time, Representative Marumoto requested a roll call vote.

The request of roll call was put to vote by the Chair and upon a show of hands, the request was not granted.

The motion that Floor Amendment No. 18, amending S.B. No. 2395, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Finnegan, B. Oshiro and Rhoads voted no.)

At 12:34 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

Representative Thielen called for a division of the House to challenge the failure of Floor Amendment No. 18, and upon a standing vote, the decision of the Chair was upheld.

Representative Marumoto rose and stated:

"Mr. Speaker, point of parliamentary procedure. I was not aware that we needed a certain number to carry on a division."

Speaker Say: "It is in the House Rules that is before you on your particular desk. Yes it is."

Representative Marumoto: "Thank you."

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2395, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Final Reading by a vote of 51 ayes.

At 12:46 o'clock p.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 2395, SD 2, HD 1, CD 1

ANNOUNCEMENTS

Representative Yamane: "Thank you, Mr. Speaker. Members and guests in the Gallery, today we have a new father, a colleague of ours, Representative Aquino from Waipahu. He and his wife have a baby boy, Ethan James Aquino. He was 5 pounds, 11 ounces and born at Kapiolani Women's and Children's Hospital at 12:47 a.m. this morning. So he's a new father, as well as he is here today. Thank you."

Speaker Say: "Representative Aquino, would you like to say a few words about your new son?"

Representative Aquino: "Thank you, Mr. Speaker. I don't have much to say at this time. My wife and I are very, very happy and blessed. Some of the Members here have given me a lot of good advice. I'll be looking forward to calling you for more advice. Thank you so much."

CONSENT CALENDAR

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members, at this point everyone realizes that there will be no discussion as these items were agreed upon by this Body for placement on the Consent Calendar."

Representative Yamane rose and stated:

"Mr. Speaker, sorry, I do need to ask for a ruling on a potential conflict."

At this time, the Chair stated:

"At this point for all of you here this afternoon, for those measures that are in the Consent Calendar and for those who have voiced their conflict of interest ruling before this Body, it will be a blanket 'no conflict' for all of you."

Representative Yamane: "Thank you, Mr. Speaker."

Speaker Say: "For the Consent Calendar portion. Representative Takai, you're inquisitive. What I'm saying is that it's an across the board, 'no conflict.'"

Representative Takai: "Mr. Speaker. I think that's a new precedent that you're setting and I understand it. I do have some concerns. May I suggest that Members, if they want to they can insert written comments regarding that issue."

Speaker Say: "I'm going to make a statement on that."

Conf. Com. Rep. No. 9-10 and H.B. No. 2077, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2077, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 11-10 and H.B. No. 2533, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2533, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support H.B. No. 2533, HD1, SD2, CD1 which amends Chapter 88, Hawaii Revised Statutes by establishing conditions of reemployment of a retirant in certain State or county positions without reenrollment in the Employee Retirement System ("ERS") or loss or interruption of retirant benefits.

"This measure also requires reimbursement of retirement allowances or other benefits received during the reemployment, and payment of contribution that should be paid during reemployment for retirants reemployed in violation of the conditions for reemployment. By establishing penalties for those in violation, Chapter 88 of the Hawaii Revised Statutes conforms to Chapter 88 of the Internal Revenue Code.

"This amendment clarifies the circumstances under which a retirant may be reemployed without suspension of benefits while providing remedies for the system if the conditions set forth in this measure are violated. This balancing of interests also protects the tax exempt status of the ERS.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2533, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 12-10 and H.B. No. 1190, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1190, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 13-10 and H.B. No. 2020, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 14-10 and H.B. No. 1854, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1854, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15-10 and H.B. No. 2676, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2676, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOʻOLAWE ISLAND RESERVE COMMISSION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19-10 and H.B. No. 1684, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1684, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. The purpose of HB 1684, H.D. 2, S.D. 2, C.D. 1 is to prevent and reduce the intentional introduction and spread of invasive species by establishing and revising penalties appropriate to the harm caused by the intentional introduction and spread of invasive species to the economy, natural environment, and the health and lifestyle of Hawaii's people.

"Invasive species represent the single biggest threat to Hawaii's natural environment. Pests have already caused millions of dollars in crop losses, the extinction of native species, the destruction of native forests, and the spread of disease. Many more harmful pests, however, currently threaten to invade Hawaii and wreak further damage. Due to its isolation, Hawaii originally had thousands of unique species found nowhere else on Earth. Today, with less than 0.2% of the land area of the United States, the Hawaiian Islands support more than 30% of the nation's species listed under the Endangered Species Act. In fact, Hawai'i is well known as the extinction capital of the United States. Further, it is estimated that now as much as 30% of all established species in Hawai'i are nonnative.

"I support the increase in fines and penalties so that people are deterred from breaking the law. I also feel it's important to provide funding to increase the number of State agricultural inspectors at ports of entry to help enforce this law and maximize its effectiveness.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1684, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21-10 and H.B. No. 2283, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2283, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 22-10 and H.B. No. 1863, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1863, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23-10 and H.B. No. 1992, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1992, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 26-10 and H.B. No. 2288, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2288, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. The purpose of HB 2288, H.D. 1, S.D. 2, C.D. 1 is to prohibit deed restrictions or

covenants that require a transferee of real property to pay transfer fees to the person imposing the deed restriction or covenant in connection with a transfer of real property.

"A Private Transfer Fee (PTF) is a fee imposed by a private party which requires the payment of a certain amount (usually a percentage of sales price), potentially in perpetuity. PTFs may be imposed via deed restrictions or covenants. Sometimes, PTFs may be imposed as part of a new housing development upon the initial and subsequent purchasers of the property. These restrictions run with the land, and may not necessarily be disclosed formally to subsequent buyers until the closing of a property sale.

"Presently, there is no regulation over the imposition of PTFs. There isn't a limitation on the application of the fees and no accountability or oversight of the recipients of the fees. I understand the concerns with PTFs because they potentially decrease housing affordability and in certain circumstances may provide no benefit to the purchasers. I do support PTFs that fund maintenance of conservation easements. Conservation easements are important tools to protect and promote open space and Hawaii's natural vistas and resources. All residents, and certainly the owners of lands burdened by conservation easements, benefit from well-maintained and preserved natural areas within or adjacent to those lands.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2288, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 27-10 and H.B. No. 2497, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2497, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 28-10 and H.B. No. 2919, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2919, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 31-10 and H.B. No. 2061, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2061, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32-10 and H.B. No. 869, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 869, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33-10 and H.B. No. 2349, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2349, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. House Bill 2349 extends protections from assault and terroristic threatening to a specific list of Emergency Room Personnel. On this measure, I stand in strong support.

"As a social worker who has provided services in the Queen's Medical Center Emergency Room, I am well aware of the frequency in which acts of assault are committed against Emergency Room staff members. In a recent national survey by the Emergency Nurses Association, more than half of emergency department nurses reported that they had been physically assaulted on the job. The U.S. Department of Labor reported similar statistics, concluding that the greatest number of physical assaults occur in Emergency Rooms across the nation.

"Emergency room services provided by a range of workers in the E.R. are vital to our health care system in Hawaii. By protecting our emergency room personnel from violent acts, we ensure a safer environment in Hawaii's hospitals and allow our health care workers to provide better care to our citizens in their greatest time of need. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2349, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 34-10 and H.B. No. 2575, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2575, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37-10 and H.B. No. 2725, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2725, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this bill is to revise laws prohibiting the cruel treatment of pet animals by specifying the standards of care that an owner must provide a pet animal, including the type of pet enclosure and under what conditions and when veterinary care must be provided.

"The new amendment requires that the area of confinement in a primary pet enclosure must: provide access to shelter; be constructed of safe materials to protect the pet animal from injury; enable the pet animal to be clean, dry, and free from excess waste or other contaminants that could affect the pet animal's health; provide the pet animal with a solid surface or resting platform that is large enough for the pet animal to lie upon in a normal manner, or, in the case of a caged bird a perch that is large enough for the bird to perch upon in a normal manner; provide sufficient space to allow the pet animal to, at minimum, easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable manner for the pet animal, without making physical contact with any other animal in the enclosure; and interact safely with other animals within the enclosure. Finally, one must provide veterinary care when needed to prevent suffering for the pet animal.

"A pet animal is defined under section 711-1100, Hawaii Revised Statutes, as "a dog, cat, domesticated rabbit, guinea pig, domesticated pig, or caged birds (passeriformes, piciformes, and psittaciformes only) so long as not bred for consumption.

"Nothing in this bill is intended to apply to animals that are raised for food, such as any livestock or chickens that are raised for consumption or for eggs, nor to any pigs or rabbits that are raised specifically for consumption. Thank you."

Representative Nakashima's written remarks are as follows:

"As a member of the Conference Committee, I would like to express my appreciation to the Judiciary Chairs for working with me to ensure that the concerns of farmers and ranchers throughout the State were adequately addressed in the final version of this bill. This bill ensures that standards

of care for pets do not infringe on the growers of animals for the purposes of food or consumption. The bill, as originally drafted, would have hurt the ranching industry immensely. I am proud of the collaboration between the parties in reaching a compromise that demands humane treatment of animals, while ensuring the ranching industry can continue to thrive."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2725, Conference Draft 1. This measure revises current law that prohibits cruelty to pet animals by specifying the standards of care that a pet owner must provide to their pet.

"It is hoped that this measure will help to improve the health and wellbeing of our pets. There are many pets in Hawaii that spend a considerable amount of their day in a kennel or cage. While some may think keeping their pets in a kennel or cage is a convenient way to keep the pet safe and sheltered, there needs to be standards for these enclosures. Growing up in a family that loved our dogs and treated each as a member of the family, I cannot imagine the horrors of the severe enclosures used to impound dogs today. This is why I strongly support this measure.

"Specifically, Mr. Speaker, this measure requires pet owners, who choose to house their pets in a cage or kennel, to use a primary pet enclosure that provides the following:

1. Access to shelter;

2. Be constructed of safe materials that will not cause harm or injury to the pet;

3. Enable the pet to be clean, dry and free from excess waste or contaminants;

4. Have a solid surface or resting platform large enough for the pet to rest on in a normal manner; or in the case of a caged bird, a perch large enough for the bird to perch on in a normal manner; and

5. Have sufficient space for the pet to easily sit, stand and make all other normal body movements in a comfortable manner without making contact with any other animal that may be in the same enclosure.

"It also requires a pet owner to provide veterinary care, when needed, to prevent the pet from suffering. Hawaii is one of the remaining states that do not require veterinary care for pet animals. This provision alone corrects a long time deficiency of present laws and makes this measure worthy of its passage alone. It is also consistent with Hawaii's progressive and compassionate public policies regarding both man and beast.

"The Humane Society of the United States, Hawaiian Humane Society, Kauai Humane Society, Maui Humane Society and many concerned individuals testified on this measure. Those who have testified have cited examples of dogs that were kept in cages. The reason for housing them in cages was that the waste and urine would fall through the bottom of the cage, making it easier for the owner to clean without having to open the cage. While it is convenient for the owner, the pet suffers as it must stand or sit on the wire/metal bottom of the cage. Prolonged standing or sitting in these cages have the potential to cause hock sores and/or lacerated feet which can lead to bacterial infection and other health problems. Convenience should never be the deciding factor in how we treat and house our pets.

"Mr. Speaker, it is one thing to want to have a pet, it's another to properly take care of that pet. If one does not have the time or inclination to take care of a pet, then one should not have a pet. For many people, pets are like family. No one would think of allowing a family member to live in subpar or hazardous accommodations.

"Also, by mandating certain standards for kennels and cages this measure may be the first step toward preventing "puppy mills" and mass breeding operations where dogs are kept in dirty cages that are cramped, preventing them from engaging in simple bodily movements.

"For the above reasons, Mr. Speaker, I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2725, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 38-10 and H.B. No. 2661, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2661, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 43-10 and H.B. No. 2604, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2604, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

Conf. Com. Rep. No. 44-10 and H.B. No. 865, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 865, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. The purpose of this measure is to create a State and county transportation working group to study the feasibility of transferring all applicable State highway maintenance functions to counties with populations that, according to the United States Census Bureau, had a population between one hundred thousand and one-hundred thirty-five thousand in the 2000 Census. This measure requires a report to be submitted to the Legislature.

"While I support the bill, I have some concerns. It's always attractive to talk about streamlining duplicative functions between State and local government. However, there are real differences between the State Highway system built and maintained by the Department of Transportation and the local roads and collector roads maintained by the Highways Division of the Maui County Department of Public Works. Many of those roads are roads that date back to territorial days when an old plantation road may have been paved repeatedly over the decades and become public by donation or use.

"I am concerned whether Maui County will receive the adequate resources and training to maintain its State highways if the functions are moved over in the future from the State. State roads are newer, built under different standards, and have been maintained under different standards. I am also concerned with the lack of clarity for the long-term funding mechanisms that will be available to allow the County to properly maintain the minimum standard of efficiency and management required of this potential jurisdictional and fiscal transfer of responsibility. Additionally, there are no assurances of continued funding at the federal or State level.

"I hope that the study will provide some of these answers before we actually implement a pilot program of some kind.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 865, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 47-10 and H.B. No. 2505, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2505, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," passed Final

Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Conf. Com. Rep. No. 59-10 and S.B. No. 950, SD 2, HD 3, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 950, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 60-10 and S.B. No. 2449, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2449, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 63-10 and S.B. No. 2150, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2150, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 64-10 and S.B. No. 2257, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2257, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 68-10 and S.B. No. 2545, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 70-10 and S.B. No. 633, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 633, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 73-10 and S.B. No. 2154, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2154, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 74-10 and S.B. No. 2472, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2472, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2472 S.D.2, H.D.1, C.D.1 which establishes a task force to analyze factors affecting mortgage foreclosures in Hawaii, including relevant laws. The number of residential property mortgage foreclosures in Hawaii cannot be ignored. We have a crisis and the issues involved are very complex.

"During the 2010 Legislative Session, numerous pieces of legislation have been proposed in an attempt to address these issues. It is clear that we need to strengthen protections for consumers in Hawaii and I would have preferred acting this year to alleviate the pain felt by Hawaii consumers who are losing their homes. However, my colleagues working on these issues have concluded that it is unclear whether any of the proposed legislation will actually improve conditions. The current mortgage foreclosure crisis in Hawaii and across the nation is largely due to lenders that engage in predatory lending tactics and a lack of consumer awareness. Hawaii used to bar non-judicial foreclosures which provided greater protection of homeowners, but which required following long processes in our court system.

"The establishment of a task force made up of knowledgeable people is necessary to enact legislation that addresses the concerns of both borrowers and lenders without placing an undue burden on the courts. The task force will consist of members of organizations to represent all interested parties and stakeholders. This measure is a crucial foundation this Legislature must lay in order to effectively deal with the foreclosure crisis.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2472, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 75-10 and S.B. No. 2643, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2643, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2643 S.D.1 HD.1 which extends General Excise Tax exemptions for condominium expenses paid by managers, sub-managers, and sub-operators, and for hotel employee expenses paid by hotel operators and timeshare projects through December 12, 2013, and clarifies that the maximum allowable tax exemption per calendar year is $400,000. This measure also eliminates the sunset provision on Act 196.

"This exemption applies to certain sums that are transferred from the owner of the properties to the operator of the properties. Included in these sums are employee salaries and benefits. Exempting these sums results in the owner paying the employees directly rather than the operator. Managing employee benefits and salaries locally protects the employees when a hotel is sold. This way, an employee can either be transferred to another hotel operated by the local owner or receive the proper severance package owed to them.

"Thus, this measure helps our local economy by leveling the playing field for local hotel, timeshare and condo-tel operators and sub-operators by allowing them to compete with larger out-of-state management companies.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2643, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 77-10 and S.B. No. 2859, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2859, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 78-10 and S.B. No. 2697, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2697, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 79-10 and S.B. No. 506, SD 1, HD 3, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 506, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 80-10 and S.B. No. 2105, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 81-10 and S.B. No. 2454, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2454, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 82-10 and S.B. No. 2831, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2831, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 86-10 and S.B. No. 2745, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2745, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 87-10 and S.B. No. 1230, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1230, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

Conf. Com. Rep. No. 92-10 and S.B. No. 2045, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2045, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 94-10 and S.B. No. 2811, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2811, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 95-10 and S.B. No. 2610, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2610, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to SB 2610, HD 1, CD 1.

"It redirects already limited resources to provide county services rather than allowing the Department to focus its efforts on processing and depositing tax revenues.

"The Department's primary focus, especially during current economic times when the general fund is operating at a deficit, is to process returns and tax checks as soon as possible with the highest priority. Quite simply, this measure could have an immediate impact on the general fund if the Department is forced to reprioritize its processing efforts.

"The counties are already providing conveyance tax documents in a timely and reasonable manner, given the Department's general fund priority.

"If they want the material, they should pay for it just like everyone else."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2610, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Thielen voting no.

Conf. Com. Rep. No. 96-10 and S.B. No. 2806, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 2806, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 98-10 and S.B. No. 2729, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2729, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 99-10 and S.B. No. 2473, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2473, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 102-10 and S.B. No. 2601, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2601, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 103-10 and S.B. No. 2842, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2842, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in favor of this bill. Mr. Speaker, this measure allows the State to establish the Permitted Transfers in Trust Act. This bill will allow high worth individuals, both in-state and out-of-state, to transfer up to twenty-five percent of their liquid net worth into trusts within the State of Hawaii. This would significantly strengthen our private-financial sector and generate funds for the State through a one-time, one percent tax on the permitted transfer. This is an untapped revenue source that will spur future economic growth and allow Hawaii to be a first-class jurisdiction for the financial planning industry.

"Mr. Speaker, at a time where our economy is in desperate need of a boost, this bill will definitely help."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2842, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Conf. Com. Rep. No. 104-10 and S.B. No. 2116, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2116, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2116 S.D.2 HD.2 which authorizes the Governor to delegate to the Superintendent of Education the authority to agree to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees, under certain circumstances, when the use of county property will be for a school purpose or function.

"Public schools on Maui – as is common throughout our State – utilize county property for essential school functions such as sporting events, graduation ceremonies, playgrounds, and physical education facilities. Baldwin High School, for example, uses many facilities at the County's War Memorial complex for their sports teams, and the Maui Interscholastic League uses the County's stadium for many of its events. Our residents, in many cases, don't distinguish between State and county facilities or the bureaucratic idiosyncrasies associated with different agencies – they are mainly interested in seeing their children play in a safe and well-maintained facility, or walk down the aisle in their cap and gowns, or attend a community meeting in a clean building.

"The current process for the Department of Education to obtain approval from the Governor to indemnify the county when a public school uses a county facility for a school function is unnecessarily burdensome, especially when changes discovered too late to follow the usual bureaucratic process of approvals require decisions at a more local level. Many times, the burden falls on the classroom teachers and the individual schools to work through the issues with county officials with details that shouldn't require an entirely new review at the level of the Board of Education, the Superintendent or the Governor. This measure would streamline the indemnification process, easing the burden for teachers and allowing continued use of county property for important public school functions.

"I urge my colleagues to vote in favor of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2116, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 109-10 and S.B. No. 2563, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2563, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 110-10 and S.B. No. 2599, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2599, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 111-10 and S.B. No. 2702, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2702, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 112-10 and S.B. No. 2716, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2716, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 116-10 and S.B. No. 2691, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2691, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2691 S.D.1 HD.1, C.D. 1 which provides for the payment of State retirement system benefits on a monthly basis by direct deposit to a financial institution account. This bill allows the Employee Retirement System (ERS) to deposit benefit payments monthly to all ERS retirees and beneficiaries once a month. I appreciate the efforts of the Chairs of Labor and Finance, and the Conferees, to address concerns by retirees and beneficiaries for a transition period that helps them cope with and plan for any hardships from the revised payment schedule.

"Under this measure, by July 1, 2011, approximately 25,700 pensioners and beneficiaries out of 38,000 will be paid by the ERS on a monthly rather than on a semimonthly basis. In addition, approximately 1,400 of these recipients will have their benefit payments deposited directly into a financial institution instead of receiving paper checks.

"As a result, ERS will save costs for postage, check printing, check imaging, and bank fees, and will also increase the ERS' investment earnings. The ERS estimates that this proposal will add approximately $955,000 annually to ERS' bottom line which ultimately benefits all ERS retirees and beneficiaries.

"Out of the 50 state retirement systems in the country, Hawaii is the only retirement system that continues to process pension benefits on a semimonthly rather than on monthly basis.

"I urge my colleagues to vote in favor of this measure."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill No. 2691, House Draft 1, Relating to the Payment of Employees' Retirement System Benefits. This bill:

(1) Requires all retirees and beneficiaries of the ERS to be paid on a monthly, rather than semi-monthly basis;

(2) Requires all beneficiaries to designate a financial institution account into which the ERS will deposit their pension benefits; and

(3) Exempts the following retirees from the monthly payment requirement:

(A) Retirees or beneficiaries who retired before January 1, 2003;

(B) Retirees or beneficiaries who are 80 years of age or older on January 1, 2011; and

(C) Retirees or beneficiaries who receive $800 or less in pension benefits each month.

"I would like to explain the reasons why I support this bill:

"Approximately 25,700 pensioners and beneficiaries out of 38,000 will be paid on a monthly rather than semi-monthly basis. In addition, approximately 1,400 of these recipients will have their benefit payments deposited directly into a financial institution instead of receiving paper checks.

"This measure will result in cost savings in postage, check printing, check imaging, and bank fees. It will also increase the ERS' investment earnings.

"Hawaii is the only retirement system that continues to process pension benefits on a semi-monthly rather than on a monthly basis.

"Social Security recipients also receive their benefits on a monthly basis.

"And finally, the ERS estimates that this proposal will add approximately $955,000 annually to the ERS' bottom line.

"For these reasons, I urge my colleagues to support this measure.

"Lastly, your Committee on Conference urges the ERS to clearly inform those affected by these changes well in advance of the change to mitigate the burden the transition from a semi-monthly to monthly system may have on retirees."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2691, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 117-10 and S.B. No. 2054, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2054, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 118-10 and S.B. No. 2386, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2386, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 119-10 and S.B. No. 2400, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2400, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 120-10 and S.B. No. 2603, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2603, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 122-10 and S.B. No. 2809, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2809, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. This measure proposes to authorize sufficient funding for the operation and staffing of the Public Utilities Commission ("PUC") and the Division of Consumer Advocacy ("DCA") in order to facilitate the agencies' abilities to meet their expected objectives and to fulfill the intent of the reorganizations that were begun with Act 177 and Act 183 from the 2007 Legislative Session. In addition, the measure proposes to require that applicable State and/or county agencies should assist in carrying out the proposed measure.

"This measure would implement the reorganizations of the PUC and the DCA that were approved by the Legislature in 2007 in Acts 177 and 183. The 2007 Legislature's findings say that the reorganizations of these agencies "are essential for providing sufficient regulation of Hawaii's public utilities; controlling utility costs for Hawaii's people, businesses, and governmental agencies; and successfully implementing meaningful energy policy reform in Hawaii."

"SB 2809, S.D. 2, H.D. 1, C.D. 1 is a cost saving measure. It would reduce the annual utility expenditures of State by several times as much as the annual cost of fully funding the reorganization of the PUC and DCA. These agencies regulate over $3 billion of annual telecommunications and electricity utility bills paid by Hawaii's people, businesses and government agencies. Fully funding the reorganizations would ultimately result in savings of at least $100 million annually due to increased regulatory efficiency and consumer protection, bolstered utility industry financial health and prudent allocation of utility investments and expenditures.

"Sufficient utility regulation and consumer protection are especially essential in the next several years as Hawaii prepares to invest billions of dollars in new utility and private sector infrastructure associated with a transition from over-dependence on fossil fuels to increased reliance on efficiency and renewable energy resources.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2809, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 125-10 and S.B. No. 2548, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2548, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 127-10 and S.B. No. 2385, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2385, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Berg and Hanohano voting no.

Conf. Com. Rep. No. 128-10 and S.B. No. 2068, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2068, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Nakashima's written remarks are as follows:

"Research suggests that early education is an important part of children's development. As a result of this, the Legislature implemented a Junior Kindergarten Program. However, few schools have implemented a program and there has not been a cost-effective solution of meeting the needs of the young learners in our State. This measure seeks to change that by requiring the Department of Education and the Early Learning

Council to assess the current Junior Kindergarten Programs and develop a plan to provide cost-effective early education.

"While our resources may currently be slim, as a Legislature, we must decide where our priorities are and what will benefit the State in the long term. I believe this measure does that. We owe it to the young people of Hawaii to ensure that their needs are met and we give them the tools necessary to succeed later in life. Such actions, Mr. Speaker, will only benefit our State in the long run."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2068, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 132-10 and S.B. No. 2491, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2491, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 134-10 and S.B. No. 2600, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2600, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 135-10 and S.B. No. 2173, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2173, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 137-10 and H.B. No. 2503, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2503, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 138-10 and H.B. No. 2832, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2832, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 140-10 and H.B. No. 2594, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2594, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill. This bill provides conforming amendments to the Hawaii income tax law based upon amendments to the Internal Revenue Code for calendar year 2009. It also makes several amendments conforming Hawaii tax law to certain reporting requirements under federal health care reform providing for greater transparency and compliance.

"Pursuant to the Department of Taxation, this bill may have the following positive impacts to revenue in the following fiscal years:

FY 11 = $7.1 million
FY 12 = $5.1 million
FY 13 = $10.5 million
FY 14 = $11.3 million; and
FY 15 = $13.4 million."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2594, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 142-10 and H.B. No. 2845, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2845, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 143-10 and H.B. No. 2441, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2441, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Mr. Speaker, I stand in support of this measure. At a time where many workers within our State's construction industry are out of a job, this measure helps to streamline the procurement process so that jobs can get to the unemployed quicker. This is welcomed news for many who are on the bench. The struggles of these hard-working residents have been heard loud and clear and this bill helps to address some of these concerns. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2441, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 145-10 and H.B. No. 1808, HD 3, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 1808, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 146-10 and H.B. No. 347, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 347, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Berg, Hanohano and Rhoads voting no.

At 12:52 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2077, HD 1, SD 1, CD 1
H.B. No. 2533, HD 1, SD 2, CD 1
H.B. No. 1190, HD 1, SD 2, CD 1
H.B. No. 2020, HD 2, SD 2, CD 1
H.B. No. 1854, SD 2, CD 1
H.B. No. 2676, HD 1, SD 1, CD 1
H.B. No. 1684, HD 2, SD 2, CD 1
H.B. No. 2283, HD 2, SD 1, CD 1
H.B. No. 1863, HD 1, SD 1, CD 1
H.B. No. 1992, HD 1, SD 1, CD 1
H.B. No. 2288, HD 1, SD 2, CD 1
H.B. No. 2497, SD 1, CD 1
H.B. No. 2919, HD 1, SD 2, CD 1
H.B. No. 2061, HD 1, SD 2, CD 1
H.B. No. 869, HD 1, SD 1, CD 1
H.B. No. 2349, HD 1, SD 2, CD 1

H.B. No. 2575, HD 2, SD 2, CD 1
H.B. No. 2725, HD 1, SD 1, CD 1
H.B. No. 2661, HD 2, SD 2, CD 1
H.B. No. 2604, HD 2, SD 2, CD 1
H.B. No. 865, HD 1, SD 1, CD 1
H.B. No. 2505, HD 1, SD 1, CD 1
S.B. No. 950, SD 2, HD 3, CD 1
S.B. No. 2449, HD 1, CD 1
S.B. No. 2150, HD 1, CD 1
S.B. No. 2257, SD 2, HD 1, CD 1
S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 633, SD 1, HD 2, CD 1
S.B. No. 2154, SD 1, HD 1, CD 1
S.B. No. 2472, SD 2, HD 1, CD 1
S.B. No. 2643, SD 1, HD 1, CD 1
S.B. No. 2859, SD 2, HD 1, CD 1
S.B. No. 2697, SD 1, HD 1, CD 1
S.B. No. 506, SD 1, HD 3, CD 1
S.B. No. 2105, SD 2, HD 1, CD 1
S.B. No. 2454, SD 2, HD 1, CD 1
S.B. No. 2831, SD 1, HD 1, CD 1
S.B. No. 2745, SD 2, HD 1, CD 1
S.B. No. 1230, SD 2, HD 1, CD 1
S.B. No. 2045, SD 1, HD 1, CD 1
S.B. No. 2811, SD 2, HD 2, CD 1
S.B. No. 2610, HD 1, CD 1
S.B. No. 2806, SD 2, HD 1, CD 1
S.B. No. 2729, SD 2, HD 1, CD 1
S.B. No. 2473, SD 1, HD 2, CD 1
S.B. No. 2601, SD 1, HD 2, CD 1
S.B. No. 2842, SD 2, HD 1, CD 1
S.B. No. 2116, SD 2, HD 2, CD 1
S.B. No. 2563, SD 1, HD 2, CD 1
S.B. No. 2599, SD 2, HD 2, CD 1
S.B. No. 2702, SD 2, HD 1, CD 1
S.B. No. 2716, SD 2, HD 2, CD 1
S.B. No. 2691, SD 1, HD 1, CD 1
S.B. No. 2054, SD 2, HD 1, CD 1
S.B. No. 2386, HD 1, CD 1
S.B. No. 2400, SD 1, HD 1, CD 1
S.B. No. 2603, SD 2, HD 2, CD 1
S.B. No. 2809, SD 2, HD 1, CD 1
S.B. No. 2548, SD 2, HD 1, CD 1
S.B. No. 2385, SD 1, HD 1, CD 1
S.B. No. 2068, SD 2, HD 1, CD 1
S.B. No. 2491, SD 2, HD 1, CD 1
S.B. No. 2600, SD 2, HD 2, CD 1
S.B. No. 2173, SD 1, HD 1, CD 1
H.B. No. 2503, HD 1, SD 2, CD 1
H.B. No. 2832, HD 1, SD 2, CD 1
H.B. No. 2594, HD 2, SD 1, CD 1
H.B. No. 2845, HD 1, SD 1, CD 1
H.B. No. 2441, HD 2, SD 2, CD 1
H.B. No. 1808, HD 3, SD 1, CD 1
H.B. No. 347, HD 2, SD 2, CD 1

Representative Thielen rose and stated:

"Yes Mr. Speaker, may we have permission to put remarks into the Journal?"

At this time, the Chair stated:

"I was just going to remind the Members. Members, please remember to let the Clerk know which House and Senate Bills on the Consent Calendar you'll be inserting written comments for the Journal. This must be done before the adjournment of today's Floor session."

ORDINARY CALENDAR

UNFINISHED BUSINESS

Conf. Com. Rep. No. 7-10 and H.B. No. 2376, HD 3, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2376, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure, stating:

"I want to speak in strong support of this, Mr. Speaker. Again, this Session seems to be about Furlough Fridays, but it helped us to talk more seriously about a more important issue and that is the leadership structure of the Department of Education. It has been very frustrating as a legislator who came in to reform education to see and discover and to find out that I'm not really in charge of education.

"I am sort of, but there's also a Board of Education, as well as the Governor. So I'm hopeful that this amendment that would help to appoint the Board of Education underneath the Governor with the Senate's consent, that we'll have a stronger hold on decision making and we'll no longer have our children and the future of education being pulled in so many different directions.

"Of course there's so much more that we should do and we can do to reform education and I'm hopeful that we will do more in following Sessions."

Representative Ito rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a conflict. My daughter works for the Board of Education. Thank you," and the Chair ruled, "no conflict."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I speak against the measure. I'm opposed to this. I'm not opposed to the public being able to vote. I think they have every right to vote on the measure. However, I'm opposed to the measure."

At 12:55 o'clock p.m. Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

Representative Souki continued, stating:

"Mr. Speaker, I forgot what I was going to say with this interruption. But anyway Mr. Speaker, going back to my opposition to the measure. It's simply that I don't believe that the Board of Education should be turned over to one person, the new Governor, whoever the Governor is, I don't think it is going improve the lot of the education system. In fact I think it's probably going to make it even worse than it is right now.

"To give the power to one person to make the major decision for education is taking a terrible risk. We know that past Governors, we've had good Governors, bad Governors, with different styles of governing. And I don't believe that given the method of appointment, that you'll have a Board that is going to be theoretically independent. The final power is still with the Governor. The Governor that we have now is the most powerful Governor in the whole nation. She has more responsibilities, more powers than any other governor in the nation right now. We're adding another piece of power to the Governor and I think it's too much for one person.

"I believe that what we need is to look at the structure of the Board, increase the size of the Board, and make it more accountable to smaller districts. Each Neighbor Island will have their own member. Here in Honolulu if you have five school districts, you would have five Board members. I think the accountability will be much better that way. They are elected. They're accountable to the public rather than you have one person ending up making the calls. And that's how it's going to happen, that one

person will be making the call. Just look in your heart at the power that the Governor already has. You're just going to add to it. Thank you very much."

Representative McKelvey rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. And may I have the words of the previous speaker entered in the record as if they were my own, and just a brief comment. I know one of the reasons behind this is people say, 'Well, just look at the Board of Education. All the blank votes. Nobody knows who their Board of Education member is.' But Mr. Speaker, I would propose to everyone, that there's probably a lot of our electorate that don't know who their State Senator or State Representative is. We have one of the lowest voter turnouts in the country and so therefore we should probably just abolish everything and make the Governor king and/or queen of the entire State. Thank you, very much."

Representative Bertram rose to speak in opposition to the measure, stating:

"I support the last two speakers in opposition. It's just as he's saying. We already have a very powerful Governor and giving them more doesn't really make sense. You're taking it away from the people. Even if they're not voting right now, it is still their choice. They still get to vote for their school board. So I speak very strongly against this."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm completely changing my vote from being no, to being yes on this measure from the previous versions or previous votes on the Floor. Mr. Speaker, the reason why I changed my vote is because as I was going along the process and seeing that we do need some kind of change, and if this is the compromise bill that we're going to move forward with, then I will jump on board and support this bill.

"The reason why I was strongly against this bill prior was for the opposite reason from what the Representative from Wailuku was mentioning. Right now, I believe that the Department of Education and the Board of Education is almost in and of itself, a separate branch of government. Being under the Governor, and what I would have preferred is having the Board selected by the Governor with no Selection Advisory Council, or having the Governor appoint the Superintendent so that there is direct accountability.

"Mr. Speaker, accountability is key here. I will be voting on the other measure that gives the Selection Advisory Council, I will be voting no on that bill because I think it gets very murky and there is no accountability. For instance Mr. Speaker, the bill that has the Selection Advisory Council speaks of how other people are going to forward those names. A group of people are going to forward those names over to the Governor. That currently happens with the Board of Regents. And it's interesting enough that some of the comments that were received by the Governor was that she's not appointing enough women onto that Board. But that's mainly because not enough women are being passed through this Advisory Council of the Board of Regents."

Representative Takumi rose to a point of order, stating:

"Point of order, Mr. Speaker. The speaker is not talking about the underlying measure. This is only about the question that will be on the ballot."

Representative Finnegan continued, stating:

"Mr. Speaker, I understand why I was interrupted, because I was speaking on another bill. But these bills are so closely related that I would hope that you would allow me the opportunity to speak on both because they do go hand in hand."

Speaker Say: "The Chair will allow you to continue if you don't speak on the other measure."

Representative Finnegan continued, stating:

"Thank you. I'm almost done, then. Mr. Speaker, so what happens is again, you cannot fault the Governor for making those choices. Just like in this bill and the other bill, it doesn't have that direct accountability. And like I said, I will compromise because it is change. I don't know if it's change for the sake of change, but I will support it. And hopefully what we can do in the future and if the other bill is not supported and does die, then we can correct it so that there is true, direct accountability for our education status in this State. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. Ultimately I guess, it will be up to the voters to decide whether or not they want the Board to go in this direction. So whatever we might say in this Chamber today, while important, ultimately the real test is going to be when the voters get to decide which way they want to go.

"I'd like to respond to the speaker from Maui regarding the power of the Governor. As we all know, 39 states already elect judges. In our State the Governor gets to appoint judges. We might want to think about introducing a bill to have judges up for election as they do in most states in the country. And again, this appointed Board is really taking it out of the model that the Board of Regents has. They're appointed as well under the same process. That is a huge budget driver in our system, the University of Hawaii. Yet, no one is proposing that we elect the Board of Regents as well. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, nobody likes change. Status quo is always better, you're more comfortable. Having worked in community development for so many years overseas, I know that change is disconcerting. It makes people nervous. It makes people uncertain. But after four Governors, Mr. Speaker, have said this is the way to go, you know we're not making this up.

"We need to change. It's long overdue. And even the speaker from Maui who said he's against this change stood up last week and argued that the sale of ice cream and candy belongs at the Board level. Why are they putting it up at this level? They're not doing their job. Well, I think that may be symptomatic of what's happened to education and why we are one of the last in the nation to achieve what we know we can achieve.

"A nation, a country, a state, a district, thrives on the basis of its human resource. Japan has no resources other than its people. And the education of its people is paramount. Until we get it fixed Mr. Speaker, we've got to keep pushing the envelope. We've got to keep changing. I think we all believe in democracy. Well the great thing about democracy is it's self-correcting. When we don't get it right, we change it. And Mr. Speaker, this is going to ask the people, 'Do you want to change? Or do you want the status quo?' And I think regardless of what some of us fear, change is going to be the best we can do for our *keiki*. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2376, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Bertram, Carroll, Chang, McKelvey, Rhoads, Souki and Tokioka voting no.

H.B. No. 2376, HD 3, SD 2, CD 1 passed Final Reading in the following form:

H.B. No. 2376, HD 3, SD 2, CD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Article X, section 2, of the Hawaii Constitution is amended to read as follows:

"BOARD OF EDUCATION

Section 2. There shall be a board of education [~~composed of members who shall be elected in a nonpartisan manner by qualified voters, as provided by law, from two at-large school board districts. The first school board district shall be comprised of the island of Oahu and all other islands not specifically enumerated. The second school board district shall be comprised of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai and Niihau. Each at-large school board district shall be divided into departmental school districts, as may be provided by law. There shall be at least one member residing in each departmental school district. The Hawaii State Student Council shall select a public high school student to serve as a nonvoting member on the board of education~~]. The governor shall nominate and, by and with the advice and consent of the senate, appoint the members of the board of education, as provided by law."

SECTION 2. Article XVIII of the Hawaii Constitution is amended by adding a new section to be appropriately designated and to read as follows:

"BOARD OF EDUCATION TRANSITION

Section . There shall be a period of transition from the elected to the appointed board of education, as provided by law."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Board of Education be changed to a board appointed by the Governor, with the advice and consent of the Senate, as provided by law?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. These amendments shall take effect upon compliance with article XVII, section 3, of the Hawaii Constitution.

Conf. Com. Rep. No. 54-10 and S.B. No. 2807, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2807, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

S.B. No. 2807, SD 2, HD 2, CD 1 passed Final Reading in the following form:

S.B. No. 2807, SD 2, HD 2, CD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article VII, section 6, of the Hawaii Constitution to amend the requirement that excess general fund revenues be returned to taxpayers of the State as a tax refund or tax credit and allow the legislature to deposit these excess revenues into one or more funds, as provided by law, to serve as temporary sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue.

SECTION 2. Article VII, section 6, of the Hawaii Constitution is amended to read as follows:

"**DISPOSITION OF EXCESS REVENUES**

Section 6. Whenever the state general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, or make a deposit into one or more funds, as provided by law, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue, as provided by law."

SECTION 3. The question printed on the ballot shall be as follows:

"Shall the legislature be provided with the choice, when the state general fund balance at the close of each of two successive fiscal years exceeds five per cent of the general fund revenues for each of the two fiscal years, to provide a tax refund or tax credit to the taxpayers of the State, or to make a deposit into one or more funds, as provided by law, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Hawaii Constitution.

At 1:07 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2376, HD 3, SD 2, CD 1
S.B. No. 2807, SD 2, HD 2, CD 1

At 1:08 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:09 o'clock p.m.

At this time, the Chair stated:

"Members, at this time we are on page 13, and for Conference Committee Report No. 52-10, Senate Bill 2405, Senate Draft 2, House Draft 1, Conference Draft 1, this will be deferred until the end of calendar of today."

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 10-10 and H.B. No. 2631, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16-10 and H.B. No. 2239, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2239, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. The purpose of this measure is to remove the exemption of dietary supplement beverage containers from the Deposit Beverage Fund. Mr. Speaker, when

this original Fund was set up, I did vote against it. In actuality when I was looking at what this does, it puts on par both the energy drinks, equivalent, so you can collect the one cent tax, and the five cent deposit fee for these energy drinks. That doesn't sound so bad actually.

"But let me just tell you a quick little story. My dad and my son are currently saving cans, and what they do is they go and redeem them. And just for good measure, my dad did the hundred cans per bag. He rinsed them out and he did all of this work prior to going down there. And my son is learning a really good lesson on the environment and recycling and earning money by doing this recycling.

"The problem that I face is when we did the hundred cans, basically what you ended up with when doing the calculations of weighing or even using the machine, more so weighing if you want to get it done a little bit easier and faster, is that you really only get like two-thirds of your money back of the five cents per bottle or can. So in actuality sometimes you may end up, if you're paying six cents per bottle or can, you're really only getting back of that maybe half, or a little more than half.

"Mr. Speaker, that ends up being what I call a tax to run this program and it's not necessarily the five cent deposit. Mr. Speaker, what also happens later on in our agenda is that we're raiding a million dollars from this Fund. So it's the worry that we've always had from the beginning of establishing this Fund, that when this Fund does have money we will take it and we will consider it now not a deposit, but a tax.

"Mr. Speaker, even though I don't believe that we should discriminate between the different kinds of bottles and cans, I must stand firm in just this kind of mechanism that allows us to tax, call it a deposit, and then suck out more money from the people of Hawaii. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I will be voting for this measure. In support, because of the fairness aspect of it. I have seen it through its different Committees. But I couldn't agree more with the House Minority Leader that this has turned into the tax that we always said it shouldn't have been. So to me, the truth is that it is a tax, but for fairness purposes I will support it. And I ask that the words of the Minority Leader be entered as my own."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, I just want to clarify a point made by the Minority Leader. If you bring in your bottles, you may request a count as long as it is under 200 or less. At that point it will not be weighed. You will get five cents back for each bottle. So as long as it's 200 or less, you will get five cents. That's the incentive many people in my district use, knowing that it could be weighed. But I personally do that too, to ensure that I get the five cents. So just a point of clarification. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Just a short rebuttal. Not all of us have the time to go, and for us how granddad does it with my son, we don't go every week and we could. We do wait until we can do it all at once. So it's not that you can do it by 200 cans or less, but that's the way that we chose to do it. And we choose to do it all at once. Yes, it's probably more than most people will do at one time, but nonetheless it's not as easy as you think it is. It's a lot of work to get back that five cents if you do decide to do that. A lot of standing at a machine for hours at a time. We had four of us going through bags. It took us two hours for the four of us with the machines and how they work. This is no easy feat trying to go in and collect your five cents per bottle or can. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2239, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Brower and Finnegan voting no.

Conf. Com. Rep. No. 17-10 and H.B. No. 2266, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2266, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 18-10 and H.B. No. 1987, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1987, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in favor of this particular measure. I suppose it is a step forward to establish a nuisance action under the Penal Code to retard the use of illegal fireworks. Any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit an offense of illegal fireworks activity, and even facilitating or assisting such activity should be subject to forfeiture.

"There are those who fire off illegal items such as ice bombs or aerials every year. Frequently neighboring home owners suffer from noise, fumes, injuries and danger of fire. Previously, members of the Minority Caucus have complained that it is unlikely and very expensive to pursue a lawsuit against a neighbor who you have to live with. Therefore this law will probably not produce the desired effect of mitigating the noxious, noisy and dangerous New Year's Eve and Fourth of July fireworks in every neighborhood in Hawaii.

"But on the other hand there are others who are importers, wholesalers, retailers who store volatile fireworks in unsafe places or conditions. Those who deal in illegal items, and those who endanger others should be the main target of this legislation. I'm very happy about the use of this forfeiture penalty, and the loss of property may be a much stronger disincentive to buy, sell, store or use illegal fireworks. I had hoped for a statewide ban, but I urge an 'aye' vote on this measure and I hope it works. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in support with just a little reservation that we can consider for our next Session. Although this bill allows for the courts to issue orders to protect witnesses who are entitled to the same rights and protections of victims and witnesses in criminal proceedings, their identities are not withheld from the defendants, or there's no guarantee. In other words Mr. Speaker, there is no anonymity clause in this bill, which leaves the witness open to retribution or harassment. There are many good citizens out there that are reporting crimes. But here's how we can make the bill better next time as we readdress this issue.

"Crime Stoppers, for example, has a great system that has stopped a lot of crime. They allow private citizens to turn in individuals who are allegedly doing various types of crime without their names being exposed. Crime Stoppers allows for the investigation and arrest of offenders through the use of many, many, many anonymous tips, which allows a caller to give information in a positive atmosphere without the prospect of retribution.

"Again, I strongly support this bill. I just think that we can make it better in the future. One of the problems that I had in my community is we had a very high illegal fireworks rate, but many were afraid of retribution. While many did start stepping up and reporting the crime, there were still those in a particular ethnic population that were very fearful that they would have retribution against them.

"One great aspect about Crime Stoppers here in Honolulu is that the programs make a difference in creating safer communities. Their success is mostly due to the fact that the tipster can work very closely with the police during the period of time of the investigation. I want to thank the

introducers of this bill. Of course many wanted a complete ban, but I think this at least is a great step in the right direction."

Representative Finnegan rose in support of the measure with reservations and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, in support. With brief comments to say that a good bill with a flaw in it means we're going to have to come back and deal with it again next year. The issue of retribution is a real one. Mr. Speaker, the subculture here is that we don't even honk the horn when somebody is sitting in front of us and the light turns green. We just wait for them to leave. How many times have you heard the horn honk for somebody doing something? So to be able to turn in somebody who's doing fireworks down the street or next door is not very probable. We've got to be practical. We've got to be real. We've got to do something about this, but this bill is going to be more of a gesture than a substantive solution."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support. Just to clarify, on page 5 of the Conference Draft there is a reference to make sure that citizens who participate in the prosecution of this measure will be protected under the current Chapter 801D, which is entitled 'Rights of victims and witnesses in criminal proceedings.' This is a law that was enacted to make sure that those who come forward, subpoenaed or voluntary, to help in the prosecution of criminal cases are protected. I want to make sure that everyone knows that Chapter 801D, subsection 3, they will receive protection from threats or harm under the current statute. I'd like to also ask for permission to insert written comments. Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1987 Conference Draft 1. The purpose of this measure is to strengthen illegal fireworks law in Hawaii by allowing the same strategical and civil legal sanctions cited to fight illegal drugs to be used for illegal fireworks. As such, it allows for the forfeiture of any property used or intended for use and any proceeds or other property acquired or maintained with the proceeds from the commission of, attempt to commit, or conspiracy to commit an illegal fireworks offense. It also makes the importation of fireworks labeled or designated as samples, even if not intended for retail sale, illegal.

"Mr. Speaker, the excessive and concussive noise caused by illegal fireworks disrupts the entire State, and illegal fireworks, like military munitions, can be as lethal and dangerous. The war zone like conditions fireworks create with their smoke, debris, and noise prevent people from peaceful enjoyment of their property. Animal owners are also affected by the illegal fireworks; the sounds often scare pets and force owners to keep them indoors and/or use prescription strength tranquilizers. Also, illegal fireworks pose a danger to the safety of the people of Hawaii, especially children. Between December 31 through January 2, 2010, 112 people were injured by fireworks and 7 were admitted to the hospital. These numbers only account for reported injuries. Furthermore, fireworks cause numerous fires destroying property, homes, and lives.

"A lack of enforcement of the current fireworks laws have allowed for the rise of a lucrative black market for illegal fireworks in the past few years. The difficulty of enforcing current laws has further bred a very profitable industry of importing and selling illegal fireworks. The harsher fines created by this measure will deter illegal fireworks importers, sellers, and possessors from carrying out future illegal activities and hopefully reduce the number of illegal fireworks set off during the holidays.

"By making sanctions to combat illegal fireworks identical to those that fight illegal drugs, this measure may make it easier to bring violators of our State fireworks law to court; with this measure it will now be considered a nuisance to import, transfer or sell aerial devices, display fireworks, or articles pyrotechnics without a valid license. With these changes, offenders can now be brought to court in criminal cases by the State or in civil cases by private citizens. As an additional deterrent, this measure will allow assets that were used or that assisted in the commission of, attempt to commit, or conspiracy to commit these offenses are subject to forfeiture.

"The amendments made through this measure now make it easier for regular citizens to report illegal fireworks activity and for law enforcement to act upon this information. For example, if a private citizen suspects that a neighbor is importing, transporting or selling illegal fireworks they can report this information to the police. The police will then investigate the nuisance, and if evidence of the allegation is found the State may, in the citizen's own name, maintain a suit to abate and prevent the illegal fireworks activity. Additionally, the private citizen can bring a civil nuisance suit against their neighbor to further prevent the illegal fireworks from being imported, transported or sold. People can now take a firmer stand and show their neighbors who are conducting this illegal activity that they are serious and will no longer tolerate such harmful activities.

"Additionally Mr. Speaker, this measure may create a secondary benefit to the people of the State. The recent increase in volcanic activity and vog has compounded the airborne danger of fireworks. Hawaii has the second highest rate in the nation for childhood asthma and many adults, especially the elderly, suffer from chronic lung disease including emphysema and COPD (Chronic Obstructive Pulmonary Disease). Even those who do not have medically diagnosed lung problems often report eye, throat and lung irritation on New Year's Eve and other holidays where fireworks are allowed. It is hoped that this measure will also help to assure the cleanest air for everyone in Hawaii.

"For these reasons, Mr. Speaker, I support this measure."

Representative Pine rose to respond, stating:

"Just a slight rebuttal, but still in strong support. I don't want to ruin things. But basically a judge would have to make a specific ruling for all that protection. All I'm saying is that if we can in the future just model it after the Crime Stoppers program, I think it would be better for all of us."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support and I'll insert written comments. Thank you."

Representative M. Lee's written remarks are as follows:

"I rise in support of HB1987, HD2, SD2, CD1. This bill addresses the illegal importation, sale and transfer of fireworks through the State's nuisance abatement laws; establishing nuisance abatement and forfeiture actions to discourage these illegal activities.

"I believe this bill provides an incentive for those who might consider storing or exploding illegal fireworks to think twice before doing so. The property on which this occurs could be at risk of forfeiture.

"I commend the Chair of Finance for his introduction of this tough bill and ask the Members' support. This is another step in our efforts to achieve a state-wide ban."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1987, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20-10 and H.B. No. 2289, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2289, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you, Mr. Speaker. This is the gift certificate bill. Members, if you didn't take a look at this, I would like to point out that we are now in fact allowing for activation or issuance fees up to 10% of the face value, or $5, whichever is less.

"I've said it many times in the past, I don't think we need to be supporting issuance fees or any fees for that matter for these gift certificates. I do understand that Congress passed the Credit Card Act of 2009 and one of the things that it requires is that these cards now be effective for no less than five years. I agree with that. I don't think we have to pass a measure to meet with federal law. Federal law trumps state law in this case, so all these cards will be expiring in five years.

"The other thing that troubles me is that although we have made changes to the credit card types of gift certificates, we have not made it for the paper types. So we have changed the credit card types to five years, and we have not changed the paper types to five years. We in fact keep it at two. This will create confusion in the marketplace. And I just caution us as we move along in this way. I don't think we need to do this, and therefore I'm voting against it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2289, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Belatti, Berg, Hanohano, C. Lee, Morita and Takai voting no.

Conf. Com. Rep. No. 24-10 and H.B. No. 2595, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2595, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to job killer number 16. Recall that we only had 15 prior to this and this is about the GET tax, and I have two particular concerns about this bill.

"First is that a nonprofit must prove that it's a nonprofit, otherwise it gets taxed. I think that's an unnecessary hoop and hurdle that we're going to put our nonprofits through.

"Secondly, this has the elevation of the GET tax to the sacrosanct trust fund status as an employee's withholding tax would be. Which means if you're a struggling business or family and you go bankrupt, that means you have to pay forever and ever the GET tax now. So it really changes the whole notion of a small business going under and having a fresh start and going over again.

"The point is that we have empowered the Department of Taxation the same way that the nation has empowered the Homeland Security. DoTAX is becoming more draconian year by year, Mr. Speaker, and when it comes and says, 'You nonprofit show me, and prove to me that you're a nonprofit,' and remember your GET tax is forever and ever. I think we're getting a little bit too strongly, and why are we doing it now? Well, it's because 'big brother' is grabbing the wallets of the people of this State thoroughly and more aggressively than ever before. Is this a good precedent? I don't think so, Mr. Speaker. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, in support. This is part of our financial plan, and also an Administration bill."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With some reservations. Thank you, Mr. Speaker. The purpose of this bill is to strengthen and bring fairness to the general excise tax system, and then it lists all the different ways. Part of my reservation is just that at one point in time, this bill, the Conference Draft, actually removed the periodic reviews of housing projects for which a claimant received a GET exemption. That's basically making sure that those who receive the GET exemption check to make sure that the low income are actually low income, because they're receiving a tax break. Mr. Speaker, that's no longer in the bill, and I was hoping that we could be a little bit more fair with those credits or these exemptions.

"The second thing is, although I do have some concerns that the previous speaker from Hawaii Kai has, my reason for supporting the bill is because this is money, especially in some of the sections of these bills, this is money that was collected from taxpayers that was meant for taxes, for paying those taxes. I think it's unfair, that they use that as a means of income. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, just as a summary, this measure modifies the general excise tax law by simply disallowing a general excise tax benefit, i.e. a reduced rate deduction splitting etc. unless and until the taxpayer first registers their business in Hawaii.

"Number two, files a timely return. And number three, claims the benefit expressly on the proper return forms. This is mainly intended to capture the cash economy loss that basically forces all of the taxpaying public, especially to the small business public, from subsidizing those businesses and individuals who do not pay their proper share of the tax. This measure also shows the general excise collections by creating trust fund liability for those that collect tax payer receipts.

"The fiscal impact to the general fund is as follows Mr. Speaker. For fiscal year '11, $15 million, for fiscal year '12, '13, '14 and '15, $30 million a year. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Marumoto, McKelvey and Ward voting no.

At 1:31 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2631, HD 2, SD 2, CD 1
H.B. No. 2239, SD 2, CD 1
H.B. No. 2266, HD 1, SD 1, CD 1
H.B. No. 1987, HD 2, SD 2, CD 1
H.B. No. 2289, HD 2, SD 1, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1

At this time, the Chair stated:

"Members of the House, at this time we will take a 50 minute recess and we will reconvene at 2:20 p.m. to finish up the next nine pages on our Order of the Day. Recess until 2:20."

At 1:31 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:32 o'clock p.m., with Vice Speaker Magaoay presiding.

Conf. Com. Rep. No. 25-10 and H.B. No. 1818, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1818, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just with some reservations. Basically what this bill does for the Department of Public Safety, it asks them to use cognitive behavioral theory with cultural and other interventions.

"My only concern is, I come from a very diverse family of all different races and cultures that come from all over the world. I'm just concerned about that one moment when you have that situation with a prison population where the cultures start to clash, and you question which is the right cultural practice to use. I'm concerned about future conflict that may occur because of this piece of legislation.

"But I do understand the intent, and the intent is to perhaps deal with the prison population in ways that perhaps the normal practices that we use to deal with the prison population do not work, but the cultural one does. So I think we should just tread very carefully as we move forward with these types of new practices."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1818, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Conf. Com. Rep. No. 29-10 and H.B. No. 2831, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2831, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Conf. Com. Rep. No. 30-10 and H.B. No. 1978, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1978, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Rhoads voting no, and with Representative Carroll being excused.

Conf. Com. Rep. No. 35-10 and H.B. No. 2688, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2688, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and short comments, please. Mr. Speaker, going through and balancing the budget and realizing that almost half, I believe, I can't remember what the percentage is, but much of our expenses are in special funds. I know that the first paragraph in section one of this bill says that this is not to provide just the program or users with an automatic stream of support that is removed from the normal budget and appropriations process. But we have so many funds and expenditures that actually go through that, that are outside of the budget process. So my concerns are with that, and the reason why I even voted on an earlier Administration bill that started a new special fund, I did vote in opposition of that one as well. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2688 Conference Draft 1. The purpose of this bill is to make the Department of Health's Sanitation Branch more efficient and to improve the quality of life of the people of Hawaii. This bill changes the name of the Environmental Health Education Fund to the Sanitation and Environmental Health Special Fund. Through this bill, the monies in this fund are authorized to be expended on the operating costs of program activities and functions to enhance the capacity of sanitation and environmental health programs. In order to better fund the Department, the threshold for excess funds to be deposited from the fund into the general fund is increased from $300,000 to $1,500,000. Additionally, this bill increases the yearly amount allotted for administrative expenses from $90,000 to $140,000.

"Underfunding the Sanitation Branch puts the health and safety of Hawaii at risk. As of January 2010 there were approximately 5,860 permitted food establishments on Oahu. Currently Oahu has 9 field sanitarian positions that are filled and 2 vacancies that remain unapproved for filling. That means the ratio of sanitation inspectors to food establishments on Oahu is 1:651. This ratio is much higher than the U.S. Food and Drug Administration's benchmark staffing levels, which is a ratio of 1:150. Oahu inspectors are responsible for inspecting 501 more food establishments than what is currently recommended by the federal government. The lack of adequate numbers of inspectors is alarming as it results in food establishments being inspected about once every 2.5 years. A lot of things could change in two and a half years, Mr. Speaker.

"This measure looks to address the staffing levels. DOH estimates that the Environmental Health Education Fund would retain about $300,000 to $450,000 per year that has previously gone to the general fund. This increase in funding available to the Sanitation Branch would provide for better staffing and provide meaningful and lasting compliance with food safety and sanitation rules. The funds will be used to establish an electronic web-based inspection and permitting process and new food safety systems that include a placard system to notify diners of recent food inspection status, and food safety education.

"It was estimated that the programs and staff positions created by the additional funding would raise approximately $1,500,000 to $1,800,000 through increases in existing user fees charged for DOH Food Establishment Permits. The cost to the general public per meal due to the increase will be less than 1 cent per meal. With a cap at $1,500,000 the State will raise the fees to an average of $200/year x ~9000 = $1,800,000. Food establishments on the West and East Coast of the U.S. pay restaurant permit fees that average $1,000 or more annually to support their food safety programs.

"Mr. Speaker, the Sanitation Branch is a critical component in any rapid response to environmental emergencies and all hazard disaster relief and assistance mainly to ensure a safe food and water supply and to ensure sanitary temporary shelter environments. The division also promotes a sanitary and healthful environment for the people and visitors of Hawaii. The monies allocated and generated through this measure will be used to fund more inspector positions and increase proper sanitation procedures throughout our communities. Continued inadequate funding of core services provided by the Sanitation Branch has recently resulted in adverse media exposure due to rats in Chinatown that devastated commerce in that district, as well as the recent closing of a popular Korean BBQ restaurant due to an E. coli outbreak that sent an 8 year old and a 72 year old to the hospital whom has still not been released since early March and may not be doing well due to Hemolytic Uremic Syndrome – organ failure due to the E. coli infection. The restaurant is also suffering economically due to a 90% drop in business. Both of these situations were totally preventable if the Sanitation Branch had proper staffing levels and were inspecting these food establishments at a frequency necessary (3 to 4 times per year) to produce lasting compliance with food safety regulations.

"We are at the point where the food industry in Hawaii is at great risk of another large media event due to illnesses or infestations. Think of the field day the media would have if this happened in Waikiki or Lahaina and how it may ruin the reputation of Hawaii's travel industry where we constantly sell our island cuisine to the rest of the world. This is not the time to be 'penny wise and pound foolish' when we have a solution at hand to lay the foundation for a world class food safety program that does not tap general funds and requires a miniscule increase in restaurant permit fees. Safe, adequate, and efficient sanitation regulation is important to our State, and for these reasons I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Finnegan voting no, and with Representative Carroll being excused.

Conf. Com. Rep. No. 36-10 and H.B. No. 2450, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2450, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Conf. Com. Rep. No. 39-10 and H.B. No. 2397, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and H.B. No. 2397, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Conf. Com. Rep. No. 40-10 and H.B. No. 1212, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1212, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Belatti's written remarks are as follows:

"I rise in opposition to HB 1212, CD1. Throughout the history of this bill, lawmakers have tried to balance privacy interests of affected licensees against the public's interest in disclosure so that individuals can make informed decisions about whether to hire licensees for regulated services, including many critical health-related services. Despite the problems and concerns of licensees, the testimony of the Department of Commerce and Consumer Affairs (DCCA) highlights the demand with which the public desires this information with over 450,855 viewings of the complaints history database in fiscal year 2008.

"The DCCA also explains that their reporting endeavors to be a neutral repository of information that provides only specific, limited information and that the public is urged to focus on the outcome of investigations rather than on the simple fact that a complaint was filed or the number of complaints that were filed. Although a balance can probably be struck between the competing interests of individual licensees and the public-at-large, this bill does not strike that proper balance and weighs too heavily against the public's interest in disclosure."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on H.B. 1212, which would remove records of complaints from the exceptions to the types of information that are not subject to disclosure as public documents.

"While I support this measure, my reservations are consistent with those cited in the written testimony provided by the State Office of Information Practices: "The bill signifies a major policy shift in the accessibility of licensee complaint information that the public has come to rely on. While it is, of course, the Legislature's call as to whether to make the policy shift called for in this bill, it is highly questionable as to how this bill would serve anyone other than the few licensees who want to hide their complaint records from the public's view." Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1212, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Final Reading by a vote of 43 ayes to 7 noes, with Representatives Belatti, Berg, Hanohano, Luke, Marumoto, Morita and Takumi voting no, and with Representative Carroll being excused.

At 2:40 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1818, HD 2, SD 2, CD 1
H.B. No. 2831, HD 2, SD 2, CD 1
H.B. No. 1978, HD 2, SD 2, CD 1
H.B. No. 2688, HD 1, SD 2, CD 1
H.B. No. 2450, HD 1, SD 2, CD 1
H.B. No. 2397, HD 1, SD 1, CD 1
H.B. No. 1212, HD 1, SD 1, CD 1

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Marumoto introduced attorney Mr. Marvin Dang and his staff, Ms. Jana Walden; Mr. Gary Nishikawa, CPA with Deloitte Touche; and Ms. Linda McKenzie of Ernst & Young.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Conf. Com. Rep. No. 41-10 and H.B. No. 2644, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2644, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 42-10 and H.B. No. 1665, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1665, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1665, Conference Draft 1, Relating to Hawaiian Fishponds. This bill prohibits the sale of public lands on which government-owned Hawaiian fishponds are located.

"Before I begin to explain the reasons why I support this bill, I'd like to thank Mr. Chris Kramer and Mr. Tony Costa for bringing this issue to my attention these past two years. It is their profound dedication and grassroots efforts that helped in the passage of this legislation and the preservation of the few remaining Hawaiian fishponds. As the famous American anthropologist, Margaret Mead, once said, "Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it's the only thing that ever has."

"Mr. Speaker, one of the Hawaiians' greatest engineering innovations was their use of aquaculture, namely stone and coral fishponds. Ancient Hawaiian fishponds are amazing aquaculture structures found throughout the islands that played a prominent role in the prehistory of our State. Fishponds were part of the Hawaiian *ahupua'a* (land division) system of sustainable management of land and water resources for the benefit of society. This locally-developed technology was tremendously productive for the ancient Hawaiians and it can be productive for the State once again.

"The historical importance of Hawaiian fishponds can be found throughout ancient Hawaiian folklore. This bill would aid to preserve some of the few remaining fishponds located in O'ahu, especially the Paiko fishpond, which is the last remaining fishpond in Kuli'ou'ou of the East Honolulu area. It is at Kuli'ou'ou where the goddess Hi'iaka and her party reached after passing through Waialae, Wailupe, and Niu, they came upon some women who were catching small fish and crabs in the pools and shallow water along the shore (http://apdl.kcc.hawaii.edu/~oahu/stories/koolaupoko/makapuu.htm).

"Paiko Lagoon, formerly a coastal fishpond, is fed by a freshwater springs and Kuli'ou'ou Stream. The lagoon's water level varies with the tides and occasionally exposes the saline mudflats. Today *aholehole* and mullet flourish living in Kanewai Pond located behind Paiko Lagoon in Kuli'ou'ou, where ancient *konohiki* rights were still in effect until the time of Statehood. While this pond is currently closed to the public, if properly restored it could play a significant role in renewing the fish and *limu* of the surrounding bay.

"Protecting our State's last remaining fishponds is an integral part of Hawaii's history. The passing of this measure would ensure better protection of valuable architecture and serve as a model for future sustainability. Mr. Speaker, for the reasons cited above, and with great aloha for the community activism of Mr. Kramer and Mr. Costa, I cast my vote in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1665, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 45-10 and H.B. No. 415, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 415, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. I do want to comment that I just adore the Chair of Public Safety, but I just differ on some of what we believe that we should be focusing on this session with the budget the way it is.

"What this bill does is it asks the Auditor to conduct a financial and management audit of the Department of Public Safety's contracts for prison beds and services outside of Hawaii and the Federal Detention Center in Honolulu. I notice in the budget that we allocate $60,000 for this particular audit.

"First of all, my first concern is of course the fact that Public Safety does not have a contract with the Federal Detention Center. We have mentioned this over many times throughout the Session, but this is still in this bill unfortunately. The Department has rather, an intergovernmental agreement with the US Department of Justice Federal Bureau of Prisons, so that is very different then what we're asking the Auditor to do.

"Public Safety already conducts audits and its records are available online for all to review. In addition, this measure is redundant because the Department contracts with the Corrections Corporation of America, which includes the scopes and services, is and has been available also online for everyone to review.

"Out of all the Departments, this is the one Department that almost is required to have consistent audits by the federal government because of the type of work that they do. In fact just this morning, Public Safety had one of its exit conferences with the State Auditor's Office relating to the Sheriff's Division.

"Each year Public Safety does a financial audit within its own Department by an independent auditor. I don't know any other department that does this. So here we are in this economy spending $60,000 for an area in a department that is already auditing itself with an independent auditor and reporting these facts online for all to see.

"Just in the last ten years alone, and I'll try to be brief, there was a financial audit of the Department of Public Safety by the Auditor and a certified public accounting firm, Coopers and Lybrand. There's another audit reporting the revolving funds, trust funds, trust accounts and so forth, of all different departments which included the Department of Public Safety. Not long after that there was another financial audit of the Department of Public Safety within the same year. And just a few years later there was another financial audit of the Department of Public Safety. So I also have a whole page of audits within the Department that continues until this year.

"So I'm just really concerned that this Department is overly audited, Mr. Speaker. I'm always for audits, but when we are not spending $60,000 for an audit of the Department of Education instead, which needs serious auditing, I just feel that our priorities are a little mixed up at this point."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. The previous speaker spoke about previous audits, but I'd like to talk about what the purpose of the audit is because I think it's very timely and knowing the current Chair of Public Safety really wants to use this to launch off into some great, I believe, policy direction. Specifically in 2007, the Legislature passed the Community Safety Act which is requiring the Department of Public Safety to develop a comprehensive and effective offender reentry system plan.

"The reason I bring it up is if you look at what we want to accomplish in the audit, we're asking the Auditor to make a recommendation on whether continuing the housing of Hawaii inmates in mainland facilities and in the Federal Detention Center in Honolulu is advisable in view of the explicit requirements of that Community Safety Act of 2007 and its subsequent amendments.

"This is really, really critical Mr. Speaker, because we as policy makers changed the direction a couple of years ago on how we wanted reentry. We want to give people training and counseling in terms of being successful when they go home. So if they're on the mainland or in the Detention Center, are we achieving what us as policy makers want to achieve. So I think that's a good outcome for this audit.

"The second part of it is, on the Big Island, the Kulani Correctional Facility was closed and we had our sex offender program there. The sex offenders have come back into the system. What programs are being offered to sex offenders? I think it's really critical, again, the outcome of the audit is to address the closure of Kulani Correctional Facility as part of its analysis in conducting a comparison.

"The bottom line is, the Auditor is supposed to compare the quality of programming, cost and the economic benefit to our State with housing inmates in these facilities on the mainland or in a Detention Center, versus our facilities. So this is an evaluation of how good the Department of Public Safety is doing and where we need to put our prisoners to get the best results. Thank you, Mr. Speaker."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose to respond, stating:

"Just in rebuttal. I just want to make it clear, I do support finding things out, getting answers to these questions as the Majority Floor Leader mentioned. I guess what I didn't make clear in the first part of my speech is all this can be found online.

"The contract that the Department of Public Safety has with the Corrections Corporation of America includes all of the scopes of these questions that we're asking. And the multiple audits that the Auditor has already done can help us to get these questions answered. The information is already there. So it goes back to my main point of why I'm against it. We're spending $60,000 for audits to get information that we already have, and I just strongly believe that we should be using that $60,000 in another area."

Representative Ching rose to speak in opposition to the measure, stating:

"In opposition. I wanted to ask that the words of the Representative from Ewa Beach be entered as my own, but I just wanted to ask the question: What are our priorities? We do have many priorities, but $60,000, although some people may think that that's not a very large amount, is still $60,000. And so, why should the priority come before the pressing needs of resources in such important areas as education, human services, and health? The fact is that the cost to house inmates on the mainland is almost half the cost to do so in Hawaii, and we cannot afford to bring them back. This audit will not change that. So that's the question that I wanted to ask. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and just short comments. Mr. Speaker, my main concern with this is the practicality of the measure and the practicality of when we bring prisoners home from the mainland, how do we deal with them?

"I've been receiving more and more communications having to do with, 'It was better when I was in the mainland. We had cleaner facilities. We had more room. We had more programs.' So you have to compare both. Some people have not had good experiences in the mainland, and I think the goal is eventually to make sure that we have adequate facilities and programs so that we have reintegration here in Hawaii. That's where I think the goal is and that's what we'd like to work toward.

"Meanwhile, with the kind of financial constraints that we have and space constraints that we have, how do we operate effectively, as effective as we could be. I'm finding more and more communications coming in from inmates that said that they prefer to be on the mainland. And some people in the mainland that say that they're doing okay and well over there on the mainland. So we have to compare both in this time when we're struggling with making ends meet, Mr. Speaker. As we move forward, let's take a look at a long term vision for public safety and how do we get there. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 415, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Pine voting no.

Conf. Com. Rep. No. 46-10 and H.B. No. 2692, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 48-10 and H.B. No. 2157, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2157, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. This measure will increase the capacity from two nursing level residents, to three in Type I expanded adult residential care homes. The question is, is there a concern? Is there a need for a measure like this? And the short answer is, yes.

"According to the Health Care Association of Hawaii who provided testimony in February of this year, on any given day there are an average of 200 patients in Hawaii hospitals who have been treated so that they are well enough to be transferred to long-term care, but are waitlisted because long-term care is not available. These are waitlisted patients. What it means is that they're medically ready to leave. They were in acute-care bed space. They have been rehabilitated and they are ready to leave, but we don't have space for them, Mr. Speaker. This is part of the solution to that problem. In fact, Kaiser Permanente even stated that we can go as high as 275 waitlisted patients. These are for all hospitals in the State on any given day.

"What's the cost? In 2008 it was $72.5 million in uncompensated care. Uncompensated healthcare, and not reimbursed to the hospitals. That's what the hospitals lost: $72.5 million. It'll fluctuate from year to year, but that's the approximate cost per year because of our waitlisted patients. It is estimated that by year 2020, one in four of our residents in Hawaii will be aged 60 or older. This is what they're talking about when they use the term, 'silver tsunami.' Our population is growing faster than rest of the nation, Mr. Speaker. That's why it's important that we're very progressive in addressing senior care.

"Another example of cost for our elderly, and just a quick example. I want to give a simple snapshot which confirms elderly cost. In Hawaii on average, emergency room, hospitalization, rehabilitation and long-term care costs directly related to senior falls, just one example, senior falls, totals $92 million annually. That's $92 million which equals $252,000 per day.

"Just two quick examples which total $164 million annually for the State of Hawaii. This is part of the solution, by allowing expanded care, allowing another nursing level client to live in an adult residential care home.

"This measure will protect the health, safety, civil rights and the right of choice for our elderly who choose to live in a care home. This is more cost effective, especially during this time of fiscal crisis, residents in these Type I homes are provided with quality healthcare at affordable prices, which will run about $2,500 to $3,500 per month. This is compared to $8,000 to $10,000 per month at a private nursing home or institution.

"Are these Type I care homes regulated? Yes, they are regulated, Mr. Speaker. The Department of Health, the Office of Health Care Assurance, has authority and purview over these nursing homes. Also, each of the nursing level patients are followed by a personal case manager to provide oversight in their delivery of care.

"A question was brought up by one of our Members about the staffing ratio of nurses or certified nursing assistants to patients. At that point I didn't exactly have the answer. I had a question to HMSA and they gave me a memorandum that basically stated that pursuant to federal and State law, as long as you have sufficient numbers... What is 'sufficient numbers?' Your guess is as good as mine. Sufficient numbers that provide care for the residents.

"Hawaii Administrative Rules, under the Department of Health, is a lot more specific. Under Hawaii Administrative Rules 11-100.1-23, for each nursing level resident, there must be one caregiver. So it's a one to one ratio. It's a one to one ratio. What I'm trying to say Mr. Speaker is, if I have a Type I care home, I have up to five residents. If they're not wheelchair bound, they're not nursing level, I can have one caregiver to those five. The current law allows us to have two nursing level clients out of those five. You would have to have two."

Representative Brower rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued, stating:

"I get the hint. It's real simple. I get it. Adult resident care homes, one to one care, if you're at an institution it could be one to ten, one to fifteen, even one to twenty if you're at the late shift from 11:00 p.m. to 7:00 a.m. For the following reasons, I support this measure and I think it'll benefit the elderly in the State of Hawaii. Thank you, Mr. Speaker."

Representative Aquino rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I would like to submit written comments in strong support."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this measure. The purpose of this bill is to ensure adequate capacity and bed space for the provision of long-term care to persons with nursing facility level care needs by increasing capacity limitations from two, to three nursing facility level residents in Type I Expanded Adult Residential Care Homes. This bill will significantly increase the number of available beds and care for this area of service to our most frail and vulnerable in our communities, greatly assisting families and their loved ones who need nursing facility care. The fiscal savings to hospitals and assisted living facilities may be substantial. Thank you, very much."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, the only concern I would have in moving an additional skilled nursing level patient to a care home is that the staff was properly trained. It is true that persons at nursing home level may require less care, but they require skilled care nevertheless. There were some concerns from the community, but I think after what the Representative from Kalihi said, I feel fairly comfortable.

"But nurses and nurses aides who work in care homes need to have a fairly high skill level because these patients often require skin care, they require care to help feed them, they may have a feeding tube, etc., etc. So you want to make sure that they're going to get the adequate care.

"I understand the need for the hospitals to move on their waitlisted patients, but we want to move them on to a safe place where they get good care. Thank you."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support. I just haven't had too many opportunities to support the Chair of Human Services so I wanted to let him know that I do support him on this bill. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much Mr. Speaker, in support. May I adopt the voluminous comments of the Chair of Human Services as if they were my own."

Representative Pine rose to speak in support of the measure, stating:

"I have the same request as the prior two speakers."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I have the same request. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2157, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 49-10 and H.B. No. 979, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 979, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 50-10 and H.B. No. 2084, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2084, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in strong support and would like to submit written comments."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. The purpose of House Bill 2084 is to meet rising healthcare costs and ensure that Hawaii's residents have continued access to quality healthcare by appropriating State funds to maximize the availability of the federal disproportionate share hospital allowance.

"As we are all well aware, the current economic crisis has greatly affected Hawaii's healthcare and human services providers. Budget shortfalls have led to cuts for Medicaid/QUEST, which has been recognized as the cornerstone of healthcare for Hawaii's most needy population. However, the reimbursements and payments of Medicaid/QUEST to Hawaii's hospitals are inadequate and force hospitals to absorb multi-million dollar losses.

"In 2009, the Legislature overrode the Governor's veto of a bill that appropriated the State matching funds. To date, the Governor has not released the State funds, although federal funds remain available. The State matching fund appropriation under this measure is necessary to receive the federal allowance to continue providing State Medicaid coverage in the next fiscal year.

"For these reasons, I stand in strong support of this bill."

At 3:00 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:01 o'clock p.m.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I do support this bill, but I do have some reservations and I just wanted to voice them. This particular bill, money has been appropriated, and so what this does is it extends the lapse date.

"Mr. Speaker, I can agree with that in bringing down more federal funds, but this kind of goal runs counter to some of the other movement that we tried to do early this Session when we stopped Lillian Koller the Director of Human Services through contracts of trying to pull down funds.

"But more so, what I think is important in this bill is when they lapse, I'm unsure of how our Finance Committee does our six-year financial plan. I'm just wanting to make sure that in the Majority's six-year financial plan, if the Governor has already committed to not releasing the funds, that this is re-established in that six-year financial plan and we still have a balanced budget and a six-year financial plan. So that's my reservations. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. Just for the edification of the Members, this particular appropriation is being re-appropriated or

extended, and we're not considering it to be lapsed in our financial plan. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. And thank you Chair for the clarification. So I think what this means is, for all intents and purposes because we don't have the financial plans to compare. I don't understand if we start off using the Governor's financial plan and her numbers if we actually end up with a financial plan with a balanced budget. So I know this gets into the weeds of things, and I realize that according to the numbers that the Majority has, that it is a balanced two-year budget and a six-year financial plan, but it just makes it hard for us to determine whether or not we're going off of the Governor's financial plan as well. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support with brief comments. Again Mr. Speaker, this $12.7 million appropriation will be drawing down $15 million from the federal government.

"The question regarding how this is going to impact the State of Hawaii's fiscal situation for the next six years; Mr. Speaker, the Chair feels that this will have exponential effects in a positive way to address the future healthcare situation. This money will be going to our hospitals who are struggling to care for those who can't afford their care. These services will be extended to Neighbor Islands, the HHSCs, as well as other needed hospital programs within the State. So Mr. Speaker, this is good for the people of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2084, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," passed Final Reading by a vote of 51 ayes.

At 3:05 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2644, HD 2, SD 2, CD 1
H.B. No. 1665, HD 1, SD 2, CD 1
H.B. No. 415, HD 2, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2157, HD 1, SD 1, CD 1
H.B. No. 979, HD 1, SD 1, CD 1
H.B. No. 2084, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 58-10 and S.B. No. 2566, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2566, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I don't think it's any surprise that I will rise to speak against this measure again. It hasn't improved so therefore I'm still in opposition. Let me reiterate the obvious: employers are happy to provide good medical care to their employees. They pay plenty in premiums for this benefit. It's just that in Hawaii, we compensate almost every worker's comp claim that arises; even for a jogging injury after work. And that makes Hawaii's work comp costs so expensive.

"Let me enumerate my objections. One, this bill will increase medical costs and increase work comp premiums. Actuaries are unable to say how much more it will cost.

"Two, more medical providers will avail themselves of the availability to use a specialist since this bill will make it available, whether the injury calls for a specialist or not. Under current law, a specialist can be called in anytime if warranted, but only when warranted.

"Three, there was much testimony stating that this provision could lead to abuse and excessive use. A provider could refer a patient to a fellow practitioner down the hall who works for the same entity. With a tough economy and delayed payments, it's a tempting opportunity.

"Folks, this is not the time to load more mandates and costs on businesses. Things are getting very expensive: gas, electricity, rents, taxes and fees. Instead we should give businesses a break. How about it?"

Representative Ching rose to disclose a potential conflict of interest, stating:

"I just wanted to ask for a ruling of conflict. My husband is a doctor who takes worker's compensation cases," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2566, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no.

Conf. Com. Rep. No. 61-10 and S.B. No. 2019, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2019, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2019, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Berg, Hanohano, Marumoto and Ward voting no.

Conf. Com. Rep. No. 62-10 and S.B. No. 2817, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and the report of the Committee was adopted and S.B. No. 2817, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 65-10 and S.B. No. 2256, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2256, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 66-10 and S.B. No. 2169, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2169, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Karamatsu rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Mr. Speaker, when the first anti-shark finning bill was passed in Hawaii ten years ago, it was considered landmark legislation that would lead the country, if not the world to take the necessary steps toward eradicating the practice of removing the fins of a shark and dumping the body back into the ocean. Hawaii's laws require that the entire shark be landed. This Body's efforts were successful with Congress later enacting anti-shark finning laws of its own.

"Although conservationists then hailed Hawaii's shark finning ban as groundbreaking legislation that would save the sharks from dying unnecessarily cruel deaths, 10 years have apparently proven that what this Body did was not enough for them.

"Now with this bill, conservationists want to go further by banning the possession of shark fins, thus eliminating any consumption of shark fins in the State of Hawaii. I fully support the intent of this bill, however I believe that this bill is going too far to the extreme.

"As Chair of the Judiciary Committee, my duty to this Body is to inform it of any bill's unintended consequences, and the second duty is to ensure laws are fairly applied. When I passed this bill out of the Judiciary Committee, I told everyone that I will not accept any draft that does not address the concerns of all parties, including those presented by the fisherman, business community, researchers, aquariums and Chinese community.

"First, the current law prohibiting shark finning is not only the strongest in the world, but it is working. The fishermen I talked to felt that the current law of landing the entire shark is a good balance because a shark takes up so much space on a boat, thus very little sharks are harvested. Plus when a shark is harvested the entire shark should be used just like the fish they catch.

"Conservationists argue that Hawaii will impact the entire world in regards to shark finning if we ban the possession of shark fins in Hawaii. But such a ban will have a tiny impact on the practice of shark finning in other parts of the world because our consumer market is a speck in this global economy. Rather, to truly make a global impact on the problem of shark finning in other parts of the world, Hawaii's ban on shark finning should be replicated in other governments all around the world. Our federal government could try to create international law that bans shark finning through international treaties.

"Second, this bill does not protect our fishermen from unintended catches. Unlike the ivory poacher who deliberately aims at going at a rhinoceros or elephant, the recreational or commercial fisherman casts his or her line into the ocean and hopes for the best. Fishing is just that, fishing. You don't know what you're going to catch until you pull those lines or nets in. Sometimes when you pull it in, you find a shark that is wounded or has died as it struggled on the line or the net. Instead of landing the wounded or dead shark and making use of the entire catch, fishermen will throw an already dying or dead shark back into the ocean with this new proposed bill. Wounded sharks thrown back into the ocean will have a slow and painful death. In this respect, the birth of this legislation has caused the attempt to save sharks from cruel and unnecessary deaths to backfire.

"Third, according to testimony from the Department of Land and Natural Resources, sharks in Hawaii are currently considered sustainable by the National Oceanic and Atmospheric Administration or the NOAA. The conservationists emphasize the importance of the ecosystem which is a community of organisms and its environment functioning as a ecological unit in nature. Too little predators in the ocean is bad because it could cause an increase in the population of the large fish that could eat up a lot more of the medium fish. On the contrary, too many predators in the ocean can cause a problem because they will cause a decrease in the population of the large fish which could result in an increase of the population of the medium fish that will over consume the small fish. Clearly, our current law is working and maintaining a healthy population of sharks in Hawaii.

"If sharks in Hawaii were in fact listed as an endangered species, then by all means there should be a ban on possession of any part of the shark. For us, let's impose all the laws protecting endangered species including our takings law that include mere harassment when an individual gets too close to the shark.

"Fourth, repeatedly in our House Judiciary Committee hearing, researchers and the current administrators opposed the measure unless there was an exemption for them. However, they emphasize that they do not want a permitting process. This bill does exactly what they oppose, as it requires individuals to apply for a license or permit from the Department of Land and Natural Resources to be exempt of this law for research and educational purposes.

"Further, commercial aquariums will not meet the criteria to be exempted from the law if they do not conduct research or have any educational purpose."

Representative Ito rose to yield his time, and the Chair "so ordered."

Representative Karamatsu continued, stating:

"Thank you. Fifth, this bill will have a negative economic impact on the fishermen, especially to our business community. In its current form the bill no longer distinguishes between fins naturally attached to or separated from the body of a shark. Therefore it is not possible for any person other than a researcher to possess a whole shark or remove it from the ocean. This prohibition will effectively kill any shark fishing operation that sells whole sharks for steaks or any other kind of consumption within the State.

"Sixth, I've encountered so many advocates in my eight years in this institution and time and time again a good number of them think that negativity can force lawmakers to agree with them through their use of threats and personal attacks rather than honest debate on policy. Believe me, I've had my share of attacks by a lot of people especially with my tenure as Chair of the Judiciary Committee and I consider the conservationist's attacks as uncalled for, except for the United States Humane Society which I really enjoyed working with.

"Seventh, this bill unfairly targets our local Chinese community who have traditions of serving shark fin soup for special occasions such as weddings, important business dinners, New Years Day, as well as medicinal practices. Outsiders and transplants into Hawaii continue to impose their beliefs upon the multicultural community in Hawaii. So what is next? Will we introduce a bill to ban *kamaboko* in Hawaii if it contained shark meat?

"For Americans of Japanese ancestry and many locals, the importance of eating *ozoni* soup on New Years Day as our first meal for good luck cannot be comprehended by those who do not understand our culture. The same goes for the importance of serving shark fin soup for special occasions and the use of shark fins for medicinal purposes.

"Many in the Chinese community have brought me in and shared their culture with me because of my openness to learn and practice their culture. In fact I'm wearing *feng shui* beads made out of rubies on my wrist to help bring balance within me. Likewise as Judiciary Chair, I seek to find balance within the laws.

"Ten years ago we passed a law banning shark finning in Hawaii to prevent cruelty to sharks. Now conservationists want us to stop shark finning around the world by us going further and banning the possession of shark fins in Hawaii. Rather, the conservationists need to lobby the rest of the world to replicate our law which they touted 10 years ago as a landmark legislation that will lead the world. So I recommend that they do that in replicating our current law banning shark finning. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support with just some brief comments. I empathize with the passions of the Judiciary Chair, but I have to disagree on several points. First of all, on the issue of the fishing of the sharks. The fact of the matter is, as the good Chair said, they take up too much space on the boat. So if they take up too much space on the boat and they're not catching them anyway, why would allowing them to catch a shark that is accidentally caught, why would they change their practice and bring it aboard? You know what they're going to do? They're going to cut the line and let the 'buggah' go anyway, because they don't want it on the boat because it takes up too much space.

"Second of all, the local fishermen like this. During the Conference Committee we tried to reach out to all the groups to share the proposed

Conference Draft 1, and basically what the local long line fisherman said is, 'Good.' Because right now, there's unfair competition in their eyes. They have to adhere to the current law of bringing the fin in with the whole animal and land it. But foreign fisheries don't abide by that. So what happens? They come into Honolulu Harbor with 'choke' fins on their boat, Mr. Speaker, and they sell to the Chinese restaurants, but the local fishermen cannot because they have to land it whole. So therefore they supported this because they see this as a fairness issue. If they can't bring shark fins in and sell them, then why should those who are flying under a foreign flag vessel be able to do the same thing?

"Finally to the permit issue, Mr. Speaker. The reality is that this DLNR permit isn't an additional requirement. It's a requirement that's already in law for any research or educational activities. There was language in the proposed bill that would have it conform to the US Fish and Wildlife permitting system, which was shut, because that would be the addition of an additional permit. All this says is, you have to just have the permit that you needed anyway in order to be able to take the animal.

"And finally Mr. Speaker, the Native Hawaiian community is especially supportive of this legislation because they look at the sharks not just as another animal in the sea, but they look at this as their *'aumakua*. They have a very special relationship with them, and that is the reason why they see this as an important thing, because they are concerned about fishing.

"And finally, while local sharks stock are strong, they're very strong we understand that, but the fact of the matter is, it's the stocks that are outside of our State waters within the EEZ that are in peril due to foreign fishery activities. We tried to strike a balance, Mr. Speaker. That's why we have a phase in period, so that restaurants can use up their existing stock. We slid the penalties back to make it purely monetary, and we tried our best to make a balanced law. And the reason why we took the existing law and have repealed it, is because the new law is stronger.

"Mr. Speaker, your Conference Committee tried to reach that balance. They tried to bring fairness, and tried to work with the restaurant industry. And here's another thing, Mr. Speaker. Artificial shark fin soup has been introduced and is becoming quite popular, and many restaurants I know are going to start carrying that instead because they don't want to deal with the humbug.

"So Members, I understand the passions of both sides. This is a controversial issue. But I just want to note that we in your Conference Committee tried to take an approach, and we tried to work with all the parties to come up with something that we could all support. Because at the end of the day, this is about not only promoting and protecting our local fishermen, but it's also about trying to ensure that the pelagic stock of sharks outside of Hawaii which have an intricate relationship to the stock of fish within Hawaii can be preserved and maintained for future generations. Thank you, very much."

Representative Sagum rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like a ruling on a conflict. The shark is my family *aumakua*," and the Chair ruled, "no conflict."

Representative Sagum rose in support of the measure with reservations and asked that the remarks of Representative Karamatsu be entered into the Journal as his own and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise with reservations on Conf. Com. Rep. No. 66-10. The Shark, as I was told growing up, is our family *Aumakua*. I was told that eating shark meat or any shark based products was forbidden. My reservation is based in large part on the fact that the proposed measure, although it intends to ban the selling of shark fins, allows the selling of shark fins for another year, to allow restaurants and other retailers to deplete their stocks. I am firmly against the harvesting of sharks for meat, fins, and other food products, outside Hawaiian protocol."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and just a few comments. I'd like to have the words of the speaker from Maui adopted as my own and I think in response, in rebuttal, to the comment about shark finning being a cultural practice. Two things I would like to point out. I think internationally within China there is actually a movement to ban shark fin soup, so Chinese culture is in flux and so that argument I think does not hold well for me. Secondly, a very persuasive testimony before the Judiciary Committee I'd like to repeat was from former First Lady Vicky Cayetano who said that eating shark fin soup is about as cultural as foot binding of women. I'm pleased to say that foot binding is not acceptable in this State as a Chinese woman, and I'm glad to see that this legislation is moving forward to also ban shark finning here. Thank you."

Representative Karamatsu rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in opposition. When the first anti-shark finning bill was passed in Hawaii, ten years ago, it was considered landmark legislation that would lead the country, if not the world, to take the necessary steps towards eradicating the practice of removing the fins of a shark and dumping the body back into the ocean. Hawaii's law requires the entire shark to be landed. This Body's efforts were successful, with Congress later enacting anti-shark finning laws of its own.

"Although conservationists then hailed Hawaii's shark finning ban as ground-breaking legislation that would save sharks from dying unnecessarily cruel deaths, the intervening ten years have apparently proven that what this Body did was not enough to save them.

"Now with this bill, conservationists want to go further by banning the possession of shark fins, thus eliminating any consumption of shark fins in the State of Hawaii. I fully support the intent of this bill; however, I believe that this bill is going too far to the extreme. As Chair of the Judiciary Committee, my duty to this Body is to inform it of any bill's unintended consequences. My second duty is to ensure laws are fairly applied.

"When I passed this bill out of the Judiciary Committee, I told everyone that I would not accept any draft that does not address the concerns of all parties including those presented by the fisherman, business community, researchers, aquariums, and Chinese Community.

"First, the current law prohibiting shark finning is not only the strongest in the world, but it is working. The fishermen I talked to felt that the current law of landing the entire shark is a good balance because the shark takes up so much space on a boat, thus, very little sharks are harvested. Plus, when a shark is harvested, the entire shark should be used just like the fish they catch. Conservationists argue that Hawaii will impact the entire world in regards to shark finning if we ban the possession of shark fins in Hawaii, but such a ban will have a tiny impact on the practice of shark finning in other parts of the world because our consumer market is a speck in this global economy. Rather, to truly make a global impact on the problem of shark finning in other parts of the world, Hawaii's ban on shark finning should be replicated in other governments around the world. Our federal government could try to create international law that bans shark finning through international treaties.

"Second, this bill does not protect our fisherman from unintended catches. Unlike the ivory poacher who deliberately aims a gun at a rhinoceros or elephant, the recreational or commercial fisherman casts his or her line into the ocean and hopes for the best. Fishing is just that, "fishing." You don't know what you are going to catch until you pull those lines or nets in. Sometimes one may pull in a shark that is wounded or has died as it struggled on the line or in the net. Instead of landing the wounded or dead shark and making use of the entire catch, fishermen will throw back an already dying or dead shark back into the ocean. Wounded sharks thrown back into the ocean will have a slow and painful death. In

this respect, the breadth of this legislation has caused the attempt to save sharks from cruel and unnecessary deaths to backfire.

"Third, according to testimony from the Department of Land and Natural Resources, sharks in Hawaii are currently considered sustainable by National Oceanic and Atmospheric Administration (NOAA). The conservationists emphasize the importance of the ecosystem, which is the community of organisms and its environment functioning as an ecological unit in nature. Too little predators in the ocean is bad because it could cause an increase in the population of the large fish that could eat up a lot more of the medium fish. On the contrary, too many predators in the ocean can cause a problem because they will cause a decrease in the population of the large fish, which could result in an increase in the population of the medium fish that would over-consume the small fish. Clearly, our current law is working and maintaining a healthy population of sharks in Hawaii. If sharks in Hawaii were in fact listed as an endangered species, then by all means, there should be a ban of possession of any part of the shark, plus let's impose all the laws protecting endangered species including our "takings" law that includes mere harassment when an individual gets too close to the shark.

"Fourth, repeatedly in our House Judiciary Committee hearing, researchers and aquarium administrators opposed the measure unless there was an exemption for them, however, they emphasized that they did not want a permitting process. This bill does exactly what they opposed, as it requires individuals to apply for a license or permit from the Department of Land and Natural Resources to be exempt from this law for research or educational purposes. Further, commercial aquariums will not meet the criteria to be exempted from the law if they do not conduct research or have any educational purpose.

"Fifth, this bill will have a negative economic impact on the fishermen, especially to our business community. In its current form, the bill no longer distinguishes between fins naturally attached to or separated from the body of a shark. Therefore, it is not possible for any person other than a researcher to possess a whole shark or remove it from the ocean. This prohibition will effectively kill any shark-fishing operation that sells whole sharks for steaks or any other kind of consumption within the State.

"Sixth, I have encountered so many advocates in my eight years in this institution, and time and time again, a good number of them think that negativity can force lawmakers to agree with them through their use of threats and personal attacks rather than an honest debate on policy. Believe me, I had my share of attacks by people, especially with my tenure as Chair of the Judiciary Committee, and I consider the conservationists' attacks as uncalled for, except for the Humane Society of the United States, which I enjoy working with.

"Seventh, this bill unfairly targets our local Chinese community who has traditions of serving shark fin soup for special occasions such as weddings, important business dinners, New Year's Day, as well as the medicinal practices. Outsiders and transplants into Hawaii continue to impose their beliefs upon the multicultural community in Hawaii. So what is next? Will they introduce a bill to ban *kamaboko* in Hawaii if it contains shark meat in it? For Americans of Japanese ancestry and many locals, the importance of eating *ozoni* soup on New Year's Day as our first meal for good luck cannot be comprehended by those who do not understand our culture. The same goes for the importance of serving shark fin soup for special occasions and the use of shark fin for medicinal purposes. Many in the Chinese community have brought me in and shared their culture with me because of my openness to learn and practice their culture. In fact, I am wearing *feng shui* beads made of rubies to help bring balance within me. Likewise, as Judiciary Chair, I seek to find balance in the laws.

"Ten years ago, we passed a law banning shark finning in Hawaii to prevent cruelty to sharks. Now conservationists want us to stop shark finning around the world by having us go further and ban the possession of shark fins in Hawaii. Rather, the conservationists need to lobby the rest of the world to replicate our law banning shark finning, which they touted ten years ago as the landmark legislation that would lead the world. Thank you, Mr. Speaker."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Manahan rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative M. Oshiro rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on SB 2169, Conference Draft 1.

"Hawaii's current shark fining laws address concerns regarding cruelty to animals. It prevents people from harvesting shark fins in State waters and returning the finless fish back into the water to die. SB 2169, Conference Draft 1 will repeal the current fining law, and make it illegal to possess, sell, offer for sale, trade or distribute shark fins and impose strict administrative fines on violations.

"Although seemingly laudable, as written, this new law poses concerns for commercial and recreational fishermen who inadvertently catch, and to avoid waste, keep a shark for its flesh. Commercial fishermen sell the flesh at market and most recreational fishermen, trade or sell the flesh for consumption. I recently purchased some shark at Foodland in Wahiawa, and pan-fried it with some *shoyu* and sugar. It was firm white meat and inexpensive compared to local *aku* or *ahi* or *mahi-mahi*.

"Under the provisions of SB 2169, Conference Draft 1, fishermen will need to either catch a finless and tail-less shark, not very likely, or immediately, upon landing a shark, remove and discard the fins and tails of the shark without being caught in the act of removing the fins and tail. If caught in possession of the fins and tails prior to disposal, they would technically be in violation of the law. This could be very dangerous, especially at sea, and may prompt fishermen to instead cut their lines and not attempt to even land the shark. But, this too could have terrible environmental consequences as hundreds of yards of indestructible trolling fishing line are released into our ocean. An exception for inadvertent catch should have been drafted into the bill or done so by a future Legislature. In the alternative, Hawaii courts should accept as a "good faith" defense, inadvertent catch by commercial or recreational fishermen.

"Finally, it needs to be clarified that Hawaii does not have a shark fining problem under the existing law, nor do we have a problem with the overharvesting of shark for its fins. Further, expert researchers agree that coastal shark populations in Hawaii are currently healthy and are not targeted for fishing. Commercially, sharks have only been caught as by-catch and recreationally, fishermen consider a shark to be a nuisance. Regardless, this bill would require all sharks caught commercially as by-catch, or recreationally for consumption or bait, to be finned (dead or alive) at the ocean so only the carcass is taken.

"SB 2169, Conference Draft 1 merely replaces a currently functional and adequate fining law, creating problematic enforcement of a possession law and resulting in no apparent benefit, but instead may contribute to waste of good fish protein and lead to environmental degradation.

"Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'll be with reservations. Mr. Speaker, I came in with basically a yes vote completely on this bill. But there was good debate and I appreciate the Chair of Judiciary's long speech. Anyway I appreciate it, and I'll be voting with reservations. Thank you."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support and I'd like to adopt the words from the Representative from Lahaina and the Representative from Makiki as my own. Thank you."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2169, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Karamatsu voting no.

Conf. Com. Rep. No. 67-10 and S.B. No. 2020, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2020, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a possible conflict. I'm an officer of a small business in that area. Thank you," and the Chair ruled, "no conflict."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I also have a ruling on potential conflict? My law firm represents the sole land owner that would be affected by this legislation," and the Chair ruled, "no conflict."

Representative Har rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you. On this measure, I would like a no vote and I'd like to insert comments. Actually, it's two testimonies from the AG from last year stating that he believes that this is unconstitutional. And the three court dockets that I've requested in the past. Thank you."

Representative Takai submitted the following documents:

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LINDA LINGLE
GOVERNOR

MARK J. BENNETT
ATTORNEY GENERAL

LISA M. GINOZA
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APR 23 2009

April 23, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
Manager, Senate Conference Committee

VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8484
Honorable Clift Tsuji
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference Committee

Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property Meeting on April 23, 2009 at 10:15 a.m.

Dear Conferees:

The purpose of this bill is to change the process for renegotiating the amount of rent during the term of an existing commercial or industrial lease, unless expressly stated otherwise in the lease. In addition, with respect to lessees of certain private agricultural lands where the lessee has made or is seeking to make improvements on the land, this bill requires

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the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five percent of the original term of the lease. The bill also prohibits the amendment of a land use district boundary Class A and B agricultural lands that meet four criteria.

Legal concerns regarding state impairment of contracts are raised by the proposed language affecting existing commercial and agricultural leases.[1]

It is well established that a retroactive law in a constitutional sense is one that takes away or impairs vested rights acquired under existing laws or attaches a new obligation, imposes a new duty, or attaches a new disability with respect to transactions or considerations already concluded. Employees Retirement Sys. v. Chang, 42 Haw. 532, 535 (1958). Generally, retrospective laws are not favored and all laws will be construed as prospective unless retrospective application is clearly intended and expressly declared, or is necessarily implied from the language used. Clark v. Cassidy, 64 Haw. 74 (1981). This principle is particularly applicable where the statute or amendment involves substantive, as opposed to procedural, rights. Clark, 64 Haw. at 77; Dash v. Wayne, 700 F. Supp. 1056 (D. Haw. 1988).

With respect to the constitutional proscription against impairment of contracts, it is a fundamental principle that obligations of a contract cannot be impaired by subsequent passage of any law. Taylor v. Taylor, 537 P.2d 483, 486 (Mont. 1975); Pulos v. James, 302 N.E.2d 768, 775 (Ind. 1973). The obligation of a contract is impaired by a law that alters the contract's terms by creating new rights or imposing new conditions or different liabilities. Northern Pacific Railway v. Duluth, 208 U.S. 583, 590 (1908). "Any law which changes the . . . legal effect of the original parties, giving to one greater or the other a less interest or benefit in the contract, impairs its obligation." Kentucky Utilities Co. v. Carlisle Ice Co., 131 S.W.2d 499, 504 (1939). See also Anthony v. Kualoa

[1] The United States Constitution states, in part, that "[n]o state shall . . . pass any . . . law impairing the Obligation of Contracts . . . ." U.S. Const., Art I, § 10, cl. 1. ("Contracts Clause")

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Ranch, Inc., 69 Haw. 112, 119-24 (1987) (law, enacted after lease executed, that required lessors to pay, at the sole option of the lessees, for improvements built upon the leased premises in order to get the leased premises back, substantially impaired the contractual rights of the parties and was unconstitutional).

> The importance of protecting the obligation of contracts from all legislative action tending to its impairment has been emphasized by the Supreme Court of the United States. That high tribunal has stated that the inviolability for contracts and the duty to perform them, as made, are at the foundation of all well-ordered society that, to prevent the removal or disturbance of these foundations was one of the great objects for which the Constitution was framed, and that it is one of the highest duties of that court to take care that the prohibition should neither be evaded nor frittered away.

16A Am. Jur. 2d Constitutional Law § 694 (1979) (emphases added).

However, because states are vested with authority to safeguard the vital interests of their residents, the impairment clause is liberally construed and prohibits only unreasonable impairment. Id.; Energy Reserves v. Kansas Power & Light, 459 U.S. 400, 409 (1983). Reasonableness is determined by whether the law addresses a legitimate end and whether the measures taken to reach that end are reasonable and appropriate. It is important to recognize that the power of a state to modify or affect the obligation of a contract under the state's protective powers is not without limit. "Yet the contract clause limits otherwise legitimate exercises of state legislative authority, and the existence of an important public interest is not always sufficient to overcome that limitation." United States Trust Co. v. New Jersey, 431 U.S. 1, 21 (1977). See also El Paso v. Simmons, 379 U.S. 497, 506-9 (1965).

As noted above, this bill appears to intrude upon renegotiations of lease rent by interjecting, unless otherwise stated in the lease, its construction of "fair and reasonable annual rent" in commercial or industrial leases to mean that

could meet those four factors, thus owning property that falls within the definition "commercial or industrial leasehold property", and be subject to the requirements of this bill.

On the other hand, a lessor in Mapunapuna with fewer than fifty thousand square feet would not meet the fourth factor and not own property that falls within the definition of "commercial or industrial leasehold property", and thus not be subject to the requirements of this bill.

In addition, the third factor, regarding a lease with a term of ten years or more and an unexpired term of five years or more, could apply to various recent leases in the Ewa region or central Oahu, whereas section 1 of the bill appears to focus on urban communities which historically have housed small commercial or industrial businesses. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 19-21 ("Thus, maintaining close geographic ties between small businesses and the communities they serve is a public purpose that requires legislative support.")

In summary, it is unclear how focusing the definition of "commercial or industrial leasehold property" on the nature of the lessor is sufficiently tailored to the bill's stated purpose of easing burdensome lease provisions on lessees. S.B. No. 764, S.D. 2, H.D. 1, page 3, lines 3-5.

At this time, it is unclear from the record how pervasive the alleged problem is, or the actual number of commercial and industrial leases affected by this bill, or how the bill's proposals actually benefit urban businesses. The government must use the least intrusive means to achieve its goals. It is not free to impose a drastic impairment when an evident and more moderate course would serve its purposes equally well. United States Trust Co. v. New Jersey, 431 U.S. at 31.

Legislation impairing commercial or industrial leases would be more defensible if based on articulated findings of need, demonstrated evidence that the proposed legislation will achieve the stated purpose, and explanation that no lesser remedy (such as arbitration, mediation, or litigation) is available. The bill's proposed definition of "commercial or industrial leasehold property" seems focused upon lessors and does not appear to be "a reasonable and narrowly-drawn means of promoting

"rent shall be fair and reasonable to both the lessor and the lessee to the lease." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 3-5. Unless otherwise stated in the lease, this bill also imposes a new requirement in such lease rent renegotiations that they include consideration of the "past renegotiation practices and policies throughout the previously renegotiated lease rents, the uses and intensity of use of the lease property during the term of the lease approved by the lessor, the surface and subsurface characteristics of the leased property and the surrounding neighborhood on the renegotiated date, and the gross income generated by the lessees on the renegotiated date." S.B. No. 764, S.D. 2, H.D. 2, page 4, lines 8-18. In addition, this bill provides four factors in defining "commercial or industrial leasehold property" and also defines "lease".

With respect to leases for agricultural lands, this bill intrudes upon leases of certain private agricultural lands by requiring the renegotiated term of the lease to include an extension of the lease for a period at least seventy-five per cent of the original term of the lease. S.B. No. 764, S.D. 2, H.D. 2, page 7, lines 9-20. The bill's provisions as to agricultural leases only concern revisions to the term of the lease and our views on these provisions are discussed at the end of this letter.

Despite the customary deference accorded to social and economic legislation, laws altering the rights and obligations of contracting parties must be reasonable and necessary for the public purpose for which they were enacted. Allied Structural Steel Co. Spannaus, 438 U.S. 234, 244 (1977), Applications of Herrick & Irish, 82 Haw. 329, 922 P.2d 942 (1996). While section 1 of this bill describes the need to strengthen and diversify Hawaii's economy, there is no evidence that this bill will achieve the stated purpose to stabilize the economy by addressing some of the alleged vague or onerous provisions of existing commercial and industrial leases. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 11-19. For example, the four factors of "commercial or industrial leasehold property" do not necessarily identify how they are linked to a benefit for the business tenants in Oahu's urban center, as opposed to those in the Ewa region or central Oahu, as stated in section 1 of the bill. S.B. No. 764, S.D. 2, H.D. 2, page 2, lines 1-10. A lessor in Kapolei

the significant and legitimate public purpose." Applications of Herrick & Irish, 82 Haw. 329, 340, 922 P.2d 942, 953. Consequently, it appears this bill may violate the Contracts Clause and be found unconstitutional.

With respect to section 5 of part II of this bill, we raise the same concerns regarding state impairment of contracts. To the extent the bill intrudes upon renegotiations of lease rents for certain private agricultural lands, such intrusion is subject to the same analysis used for part I of the bill regarding commercial and industrial leases. Section 4 of the bill justifies the intrusion and Section 5 appears to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose. However, as with part I of the bill, the state impairment of private agricultural leases may be subject to challenge.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

LINDA LINGLE
GOVERNOR

MARK J. BENNETT
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
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RECEIVED
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April 28, 2009

VIA FACSIMILE NO. 586-6071
Honorable Rosalyn H. Baker
Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-6461
Honorable Brian T. Taniguchi
Co-Chair, Senate Conference Committee

VIA FACSIMILE NO. 586-8426
Honorable Sam Slom
Manager, Senate Conference Committee

VIA FACSIMILE NO. 586-6161
Honorable Angus L. K. McKelvey
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8484
Honorable Clift Tsuji
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-8494
Honorable Jon Riki Karamatsu
Co-Chair, House Conference Committee

VIA FACSIMILE NO. 586-6341
Honorable Blake K. Oshiro
Manager, House Conference Committee

VIA FACSIMILE NO. 586-6481
Honorable Cynthia Thielen
Manager, House Conference Committee

Re: S.B. No. 764, S.D. 2, H.D. 2, Relating to Real Property Meeting on April 28, 2009 at 10:15 a.m.

Dear Conferees:

We supplement our letter to you dated April 23, 2009, and note our additional concern that the proposals of S.B. No. 764, S.D. 2, H.D. 2, may impair private contracts and constitute

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"takings" which gives rise to a right to receive compensation from the sovereign. A compensable regulatory taking occurs when governmental agencies impose restrictions that either 1) deny landowners of all economically viable use of their property, or 2) unreasonably interfere with landowners' rights to use and enjoy their property. Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 933-35 (Tex. 1998).

A regulation may go so far in imposing public burdens on private interests as to require compensation. In deciding whether regulatory action goes "too far", three principles known as the Penn Central factors have emerged: 1) the "economic impact of the regulation on the claimant"; 2) "the extent to which the regulation has interfered with distinct investment-backed expectations"; and 3) "the character of the governmental action". Penn Cent. Transp. Co. v. City of New York, 438 U.S. 104, 124 (1978). Penn Central does not supply mathematically precise variables but instead provides important guideposts that lead to the ultimate determination whether just compensation is required. Whether a regulatory taking has occurred, "depends on a complex of factors including" the three set out in Penn Central. Sheffield Dev. Co. v. City of Glenn Heights, 140 S.W. 3d 660 (Tex. 2004). The analysis "necessarily requires a weighing of private and public interests" and a "careful examination and weighing of all the relevant circumstances in this context." In considering a regulatory takings issue, a court will "consider all of the surrounding circumstances" in applying "a fact-sensitive test of reasonableness." Sheffield at 670-72.

A court must satisfy itself that the legislature's "adjustment of 'the rights and responsibilities of contracting parties [is based] upon reasonable conditions and [is] of a character appropriate to the public purpose justifying [the legislation's] adoption.'" Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470, 505 (U.S. 1987). As we have stated previously, the proposals of S.B. No. 764, S.D. 2, H.D. 2 do not appear to be a reasonable and narrowly-drawn means of promoting a significant and legitimate public purpose in protecting certain commercial or industrial leasehold property, or certain private agricultural lands. As such, in addition to the bill's proposals possibly violating the Contracts Clause and being

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found unconstitutional, the proposals may also constitute "takings" that give rise to a right to receive compensation from the sovereign.

Very truly yours,

Shari Wong
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

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Of Counsel:

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Attorneys for Plaintiffs
HRPT Properties Trust, *et al.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT Properties Trust, *et al.*,	) CIVIL NO. 09-0375 SOM/KSC
Plaintiffs,	)
v.	) PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR
Linda Lingle, in her official capacity as Governor of the State of Hawai`i,	) SUMMARY JUDGMENT [FILED 2/17/10] [#67]; DECLARATION OF BRUCE D. VOSS; EXHIBITS 1-5;
Defendant,	) PROPOSED ORDER GRANTING
and	) PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR
Citizens for Fair Valuation,	) SUMMARY JUDGMENT [FILED 2/17/10] [#67]; CERTIFICATE OF
Intervenor-Defendant.	) SERVICE
	) NON-HEARING MOTION

PLAINTIFFS' EX PARTE MOTION TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10]

Plaintiffs HRPT Properties Trust and its affiliate companies, by and through counsel, move this Court *ex parte* for an order advancing the hearing date of Plaintiffs' Motion for Summary Judgment, filed February 17, 2010. (*See* Doc. 67.) Plaintiffs' Motion for Summary Judgment is currently scheduled to be heard on May 10, 2010, at 10:30 a.m. before the Honorable Susan Oki Mollway. (*See* Doc. 69.)

In this case, Plaintiffs seek a declaratory judgment that Act 189 of the 2009 session of the Hawai`i Legislature violates the Contracts Clause and six other constitutional provisions, and is therefore unconstitutional. By its terms, Act 189 expires on June 30, 2010. (*See* Ex. 1.) At the urging of Intervenor-Defendant Citizens for Fair Valuation, the Legislature is currently considering two bills, Senate Bill No. 2020 and House Bill No. 2284, to extend the Act. (*See* Exs. 2-3.) The 2010 legislative session, however, is scheduled to end April 29, 2010, more than a week before the current May 10, 2010 hearing date. (*See* Ex. 4.)

Disputes regarding the constitutionality of Act 189 have affected and will continue to affect legislative consideration of Senate Bill No. 2020 and House Bill No. 2284. For example, the Senate Committee on Commerce and Consumer Protection recently issued a report supporting a five year extension of the Act and listing HRPT's "filing of a lawsuit in federal district court challenging the constitutionality of Act 189" as a reason for the Act's extension. (Ex. 5 at 2.) Advancing the date of the hearing would assist and provide guidance to the Legislature and the parties by allowing the Court to consider the constitutionality of Act 189 before the legislative session ends.

Plaintiffs have been informed by this Court's courtroom manager that hearing slots are potentially available to hold a hearing on a motion for summary judgment on April 5, 2010 and April 12, 2010, should the Court in its discretion

elect to advance the hearing date. If the Court were to advance the hearing to the earliest possible date of April 5, 2010, Defendants would have until March 15, 2010, nearly a month from now, to prepare their responses to HRPT's Motion for Summary Judgment.

Plaintiffs therefore respectfully request that this Court advance the hearing to a date before the end of the legislative session.

This motion is made pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.2, and is based upon the Declaration of Bruce D. Voss attached hereto.

Dated: Honolulu, Hawai`i, February 19, 2010.

/s/ Bruce D. Voss
Bruce D. Voss
Ryan H. Engle
Matthew C. Shannon

Clifford M. Sloan
David W. Foster

Attorneys for Plaintiffs
HRPT Properties Trust, *et al.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

	) CIV. NO. CV09-0375 SOM KSC
HRPT PROPERTIES TRUST, *et al.*,	)
Plaintiffs,	)
vs.	)
LINDA LINGLE, in her official capacity as Governor of the State of Hawai'i,	)
Defendant,	)
CITIZENS FOR FAIR VALUATION	)
Intervenor-Defendant	)

INTERVENOR CITIZENS FOR FAIR VALUATION'S MEMORANDUM IN SUPPORT OF EX PARTE MOTION TO CONTINUE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [#67] AND FORTHCOMING COUNTERMOTIONS FOR SUMMARY JUDGMENT TO BE FILED BY DEFENDANT AND INTERVENOR-DEFENDANT BY ONE WEEK (TO MAY 17, 2010) AND OPPOSITION TO PLAINTIFFS' MOTION TO ADVANCE TIME [#70]

This Honorable Court has scheduled the hearing on Plaintiffs' Motion for Summary Judgment for Monday, May 10, 2010 at 10:30 a.m. [#69]. On Friday, February 19, 2010, Plaintiffs filed an *ex parte* Motion to Advance the Hearing Date [#70], arguing that an earlier hearing and ruling by this Court "would assist and provide guidance to the Legislature." Intervenor-Defendant CFV opposes this

Motion and requests that the Hearing be set for Monday, May 17, or as soon thereafter as is convenient for the Court, for the reasons that follow.

After this Honorable Court's Order of December 22, 2009, the parties engaged in discussions regarding discovery, but they were not able to reach any agreement. In paragraph 11 of Mr. Voss's Declaration he refers to his "understanding" of those discussions, but he is incorrect in indicating that any consensus or agreement had been reached. Because no agreement was possible, the parties held a Status Conference in front of Magistrate Judge Chang on Monday, January 25, 2010, where he explained the scope of discovery for the parties. Pursuant to that clarification, Plaintiffs noticed and took the deposition of Michael Steiner on Tuesday, February 9, 2010, and Intervenor-Defendant CFV have noticed the deposition (by video conference) of David Lepore to be taken on Thursday, February 25, 2010. On Wednesday, February 17, 2010, Plaintiffs filed their Motion for Summary Judgment, and attached a series of Declarations and documents purporting to provide information relevant to this Court's Order of December 22, 2009. This new information is now being evaluated by the other parties, and further depositions or other discovery may be necessary in light of this new information. The deposition of Mr. Lepore may also produce new information that may require further discovery requirements. The discovery process is thus still evolving, and any advancement in the hearing date will

interfere with the efforts of all the parties to complete the discovery required by this Court's Order of December 22, 2009.

The lead attorney for Defendant Governor Linda Lingle, Mr. Girard Lau, has been on travel leave in recent days, and is due to return to the islands on Thursday, February 25. He has not been available, therefore, to evaluate the Plaintiffs' Motion for Summary Judgment or the new information accompanying that filing, and will need time after his return to engage in this evaluation and to decide whether the interests of his client require further discovery.

In January 2010, the lead attorney for Intervenor-Defendant CFV, Mr. Jon M. Van Dyke, accepted an invitation from the Maritime Institute of Malaysia to give a presentation in Kuala Lumpur, Malaysia, on issues related to the delimitation of the continental shelf in the South China Sea at a conference scheduled for May 10-11, 2010. Because of this conflict, Intervenor-Defendant CFV respectfully requests this Court to schedule the Hearing on Monday, May 17, 2010, or as soon thereafter during that week as would be convenient for the Court.

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ Jon M. Van Dyke
Jon M. Van Dyke

Sherry P. Broder
Jay M. Fidell
Keith S. Agena
Attorneys for Intervenor
Citizens for Fair Valuation

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Attorneys for Defendant
LINDA LINGLE, in her official
capacity as Governor of the State of Hawaii

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HRPT PROPERTIES TRUST and affiliate companies: MASTER PROPERTIES LLC, a Maryland limited liability company, ROBIN 1 PROPERTIES LLC, a Maryland limited liability company, TANAKA PROPERTIES, LLC, a Maryland limited liability company, LTMAC PROPERTIES, LLC, a Maryland limited liability company, [Caption Continues]	NO. CV 09-0375 SOM/KSC LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010; CERTIFICATE OF SERVICE

TSM PROPERTIES LLC, a Maryland limited liability company, and Z&A PROPERTIES LLC, a Maryland limited liability company, Plaintiffs, vs. LINDA LINGLE, in her official capacity as Governor of the State of Hawaii, Defendant.	[Non-Hearing Motion]

LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFFS' EX PARTE MOTION [#70] TO ADVANCE THE HEARING DATE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT [FILED 2/17/10] [#67] FILED FEBRUARY 19, 2010

Defendant Linda Lingle, in her official capacity as Governor of the state of Hawaii ("Governor Lingle"), by and through her attorneys Mark J. Bennett, Attorney General, and Deborah Day Emerson, Girard D. Lau, David A. Webber and James C. Paige, Deputy Attorneys General, believes that the hearing date should not be advanced and that the May 10, 2010 hearing date currently scheduled by the Court is appropriate. That date will allow the parties sufficient time to complete any necessary discovery, for the defendants to file their respective

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cross motions for summary judgment, and for the parties to otherwise fully brief this matter for the Court.

DATED: Honolulu, Hawaii, February 23, 2010.

MARK J. BENNETT
Attorney General

/s/ David A. Webber
DEBORAH DAY EMERSON
GIRARD D. LAU
DAVID A. WEBBER
JAMES C. PAIGE
Deputy Attorneys General

Attorneys for Defendant
LINDA LINGLE, in her official capacity as Governor of the State of Hawaii

3

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CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing LINDA LINGLE, IN HER OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF HAWAII'S STATEMENT RE: PLAINTIFF HRPT'S EX PARTE MOTION TO ADVANCE HEARING DATE was served on the following at their last known addresses:

Served Electronically through CM/ECF: Date: February 23, 2010
bvoss@legalhawaii.com
mshannon@legalhawaii.com
rengle@legalhawaii.com
cliff.sloan@skadden.com
david.foster@skadden.com
robryn.carr@skadden.com

jvandyke@hawaii.edu
sherrybroder@sherrybroder.com
fidell@lava.net
KSA@bfsl.com

DATED: Honolulu, Hawai'i, February 23, 2010.

/s/ David A. Webber
Deputy Attorney General

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Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations in support of S.B. 2020- Relating to Real Property. Although I emphasize with the lease situation businesses are facing in Mapunapuna, Kalihi Kai and Sand Island, I am deeply concerned with the unintended consequences this legislation may have on commercial and industrial leases in Hawaii.

"This measure will extend Act 89, which interferes with the terms of existing contracts, and such alteration of commercial and industrial contracts is unconstitutional special legislation targeted at one landowner.

"I believe that the process of appraisals, mediation, and arbitration and as a last option the court system should be the appropriate venue for lease interpretation and contractual disputes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2020, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Final Reading by a vote of 41 ayes to 10 noes, with Representatives Berg, Coffman, Hanohano, Har, Keith-Agaran, C. Lee, Luke, Saiki, Takai and Wakai voting no.

At 3:27 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2566, HD 2, CD 1
S.B. No. 2019, SD 1, HD 2, CD 1
S.B. No. 2817, SD 1, HD 1, CD 1
S.B. No. 2256, SD 1, HD 1, CD 1
S.B. No. 2169, SD 2, HD 2, CD 1
S.B. No. 2020, HD 2, CD 1

Conf. Com. Rep. No. 71-10 and S.B. No. 1059, SD 2, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1059, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this legislation. Thank you. I rise in support of this legislation that establishes an illegal fireworks task force to stop the importation of illegal fireworks and explosives. While I recognize that this piece of legislation may not go as far as many would like, I believe that this is a positive step in the right direction to explore ways to stop the alarming trend of disruption and disrespect. For we must find a way to address the illegal fireworks issues. This problem has gotten out of hand for many districts.

"While numerous fireworks and explosives have created what some have described as war zone like sound. It's threatening to the health, the safety, and in particular the children. In fact, just this past New Year's Day two Wailuku children were badly burned when they were playing with fireworks and they had to be airlifted to Kapiolani Medical Center.

"But most importantly, I'm so deeply saddened that this has evolved into such a grave problem. As a person of Chinese descent, I know the great respect that we have for the origins of fireworks. A centuries old cultural tradition, it brings in good luck and it could not be more connected to filial piety and respect. Unfortunately, those that I believe are not doing it for cultural practices who most probably are not even of Chinese descent, have created a perversion of that custom and I find it reprehensible that this practice which originated as homage and connected to respect and piety has begun to be degraded to disrespect and dishonor.

"So I hope that one day fireworks will again be used responsibly as I remembered that they were in my childhood, and with respect of its origins

to culture and tradition that it once was. But until that day comes, this task force hopefully will help to protect the health and safety of our people. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to vote for this measure, but with some strong reservations. The reservation that I have is that it's becoming kind of a habit for the Legislature, whenever we find a difficult problem we punt it to the counties and say, 'Okay, I've done my job. I've washed my hands.' It reminds me of Pontius Pilate washing his hands and passing it on. It's your *kuleana* now. Not mine. I wish that the Legislature would take it upon themselves and either do the ban or make the laws even tougher, but I don't believe this is right, right now. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Just rising in strong support and I'd like to insert written comments. Mr. Speaker, I think it's sort of a minor miracle that we're almost passing two fireworks bills this Session. As far as a statewide ban is concerned, many of us would have been really happy to have a statewide ban passed, but that just wasn't possible. I think this is going to make a big difference if the City and the counties do act when we have the budget briefings. Mayor Hannemann indicated that he was very positive on fireworks control.

"So we hope this will make a difference and I think the task force also will look into the issues of illegal fireworks and actually the health and safety of the people of our islands. So thank you very much."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I stand in support of SB 1059 SD2 HD3 CD1. However, I would like to express my many concerns about the misuse of fireworks and why we must proceed with fireworks control.

"Mr. Speaker, the coming of the New Year should be a joyous occasion; however, for many in Hawaii, it is a time of trepidation and fear. Although this bill is not perfect, I am happy to see it go forward, because I would be embarrassed if we went through the session without any action on fireworks. However, a STATEWIDE BAN IS REALLY THE ANSWER TO OUR PROBLEM.

"Many of Hawaii's people have made it clear that they desire stricter enforcement of fireworks laws because the proliferation of fireworks in recent years has resulted in a degeneration of the New Year celebration, and public safety issues so severe that people are afraid to leave their homes. Fireworks have also put police and EMS personnel at risk for injury and it takes them away from crime fighting and assisting the ill and injured during the holiday.

"I have received multiple complaints from constituents for more than a month before and after the Holiday. Fireworks are being used in a manner that is disrespectful to communities and neighborhoods, with no regard to the severe health effects being experienced by children and seniors in particular.

"Some have said, 'No worry. It is only one night.' But the negative effects of fireworks hardly end when the festivities are over. Fireworks are composed of toxic chemicals that pollute our air, contaminate our drinking water, and leave residue in our watershed, harming plants and animals. Fireworks produce smoke and dust that contain residues of heavy metals and sulfur coal compounds. Particulate matter lingering for more than a week after the explosions may cause asthmatics and COPD sufferers to have to take medications such as bronchodilators, steroids, and antibiotics and in some cases IV fluids. These are expensive remedies.

"Fireworks also cause serious burns and injuries, which can be life threatening, fatal or cause permanent scars on the body and in the lungs. A report filed this year by the Health Department showed a significant increase in emergency room visits and injuries to people. A never-before-seen-influx of children injured by fireworks was seen this year in our ERs. Think of the injuries that were treated outside the ER or never reported.

"Another serious concern is the ear damage that may be happening to young children. Aerials produce levels around 150 decibels and the boom bombs are much louder. Studies show that small children's ears can be damaged by even short exposure to such noise. The noise can also trigger stress reactions in persons who suffer from combat related Post Traumatic Stress Disorder (PTSD).

"So you may say, 'It is tradition.' I don't believe tradition is something that hurts people; takes away their right to a peaceful holiday or causes fear and stress in pet animals. Many remember the past when fireworks were fun. That is no longer the case.

"Or would you say it's good for business? Yes, the big profits of offshore vendors and the illegal sales of aerials. At the same time, exploitation of children and the poor takes place.

"I was particularly touched by a letter, which appeared in the *Honolulu Advertiser*, written by Dr. Torrey Goodman, an emergency room physician, which I would like to submit to the Journal.

"*To all legislators who did not have the courage to vote on a fireworks ban: I invite you to join me in a local emergency department on New Year's Eve. In 20 years as an emergency physician, I have never seen more severe injuries than I did this year. Tears of frustration and anger were how I greeted the New Year.*

Please, dear legislators, explain to me why we are allowing items to be sold that result in young children literally being blown up and lit on fire, eyes damaged beyond repair and little hands curled into burnt claws.

How can you justify a child's screaming agony, lifelong scarring and a parent's worst nightmare as "cultural freedom"? Please spend one New Year's Eve in any local emergency room, and I promise you will have the courage to do what is right, and ban fireworks statewide."

"Mr. Speaker, we will ban the statewide use of fireworks one day. For now Hawaii's children and I must find at least some satisfaction in this small step in that direction. I support this bill and urge my colleagues to do the same. Thank you."

Representative Manahan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm just rising in opposition. I just believe that this is job killer number 17."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for Senate Bill 1059, Relating to Fireworks. This bill would establish an illegal fireworks task force to stop the importation of illegal fireworks and explosives. The bill would also allow counties to enact ordinances regulating fireworks that are more stringent than State law.

"Unfortunately, this bill does not address the major issue that could suppress the promulgation, dissemination, and use of fireworks illegally. A total fireworks ban, some experts would say, would certainly be an immediate solution to mitigate the illegal use of fireworks. However, how are our first responders supposed to enforce a total ban when they are unable to enforce the Fireworks Control Law as currently written? Providing our first responders with the necessary enforcement tools statutorily, and enacting uniform revisions to the Fireworks Control Law should be this Body's first step in tackling this divisive issue.

"For these reasons, I rise in support with reservations on Senate Bill 1059."

Representative Karamatsu rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Mr. Speaker, in regards to setting off fireworks in Hawaii, it is unfortunate that there are individuals who break the law, because their wrongdoings have given a lot of momentum for those in our community who want to ban fireworks completely. We already have stiff criminal penalties for those who disobey our fireworks laws. Now we are going further as there's another bill that we would take away real property of those who violate our illegal fireworks law, comparable to the law that takes away real property of those who manufacture illegal drugs.

"I support the section of the bill that would create an illegal fireworks task force to stop the importation of illegal fireworks and explosives. This was the original intent of this measure until it was hijacked by a House Floor amendment that added another section to the bill that would allow counties to enact ordinances regulating fireworks that are more stringent than State law, which could result in different laws in the various counties, making it more difficult to enforce. It is for this reason that I oppose the measure.

"We already had such a law in the past, allowing home rule ordinances differing with each other on what fireworks were legal. Once the fireworks were imported into the State there was a proliferation of smuggling the fireworks between the counties. This was the unintended consequence when that law was enacted. Rather, I believe our fireworks laws should be applied fairly throughout the State. Besides, criminal law is best enforced uniformly statewide as reflected in our criminal statutes and case law.

"As Chair of the Judiciary Committee, my duty is to inform this Body of any unintended consequences, and I also have the duty to ensure that the laws are fairly applied. I want to note that many of the complaints by Hawaii residents on fireworks are already illegal, such as individuals setting off fireworks outside of the times permitted by law. Currently fireworks can be only set off from 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day; 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and from 1:00 p.m. to 9:00 p.m. on Fourth of July; and also 9:00 a.m. to 9:00 p.m. as allowed by permits under Section HRS 132D-10.

"Other than these legal time slots, there is a ban on setting off fireworks. To resolve this problem with popping fireworks outside the times permitted by law we need to work together by abiding by the law, supervising our children and teenagers to do what's safe, and reporting to law enforcement agencies.

"A second concern for Hawaii residents regarding fireworks is the amount of illegal fireworks being exploded, especially the really loud ones that shake our homes and cars. The illegal fireworks task force will be mandated to look into ways we can prevent illegal fireworks from entering our State. And again, we must follow the law, make sure our children do the same, and report to law enforcement agencies on any use of illegal fireworks.

"Personally, I enjoy the beauty of fireworks and sharing the experience with my family and friends. It has been a tradition in Hawaii for many years for families to pop fireworks on New Year's Eve and New Year's Day for good luck for themselves, their loved ones, to bless their property, and to ward off evil spirits for the new year. I believe our current law regarding fireworks is already strong, but needs to be followed and better enforced by all of us, also with the assistance of our law enforcement agencies.

"I wish the original bill was left intact with the task force aimed at stopping illegal fireworks, but with the amendment allowing counties to enact more strict standards on fireworks than State law, I cannot support it. Thank you. I also want to insert written comments in opposition."

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in opposition. In regards to setting off fireworks in Hawaii, it is unfortunate there are individuals who break the law because their wrong-doings has given a lot of momentum for those in our community who want to ban fireworks completely. We already have stiff criminal penalties for those who disobey our fireworks laws. Now, we are going further as there is another bill that would take away real properties of those who violate our illegal fireworks laws comparable to the law that takes away real property of those who manufacture illegal drugs.

"I support the section of the bill that would create an illegal fireworks task force to stop the importation of illegal fireworks and explosives. This was the original intent of this measure until it was 'hijacked' by a House floor amendment that added another section to the bill that would allow counties to enact ordinances regulating fireworks that are more stringent than State law, which could result in different laws in the various counties making it more difficult to enforce. It is for this reason that I oppose this measure.

"We already had such a law in the past allowing home rule ordinances differing with each other on what fireworks were legal. Once the fireworks were imported into the State, there was a proliferation of smuggling of fireworks between the counties. This was the unintended consequences when that law was enacted. Rather, I believe our fireworks laws should be applied fairly throughout the State. Besides, criminal law is best enforced uniformly statewide as reflected in our criminal statutes and case law. As Chair of the Judiciary Committee, my duty to this Body is to inform it of any bill's unintended consequences. My second duty is to ensure laws are fairly applied.

"I want to note that many of the complaints by Hawaii residents on fireworks are already illegal such as individuals setting off fireworks outside of the times permitted by law. Currently, fireworks can only be set off from 9:00 p.m. on New Year's Eve to 1:00 a.m. on New Year's Day; from 7:00 a.m. to 7:00 p.m. on Chinese New Year's Day; and from 1:00 p.m. to 9:00 p.m. on the Fourth of July; or from 9:00 a.m. to 9:00 p.m. as allowed by permit pursuant to Hawaii Revised Statutes section 132D-10. Other than theses legal time slots, there is a ban on setting off fireworks. To resolve this problem of popping fireworks outside of the times permitted by law, we need to work together by abiding by the law, supervising our children and teenagers to do the same, and reporting to law enforcement agencies.

"A second concern for Hawaii residents regarding fireworks is the amount of illegal fireworks being exploded, especially the really loud ones that shake our homes and cars. The illegal fireworks task force would be mandated to look into ways we can prevent illegal fireworks from entering our State. And again, we must follow the law, make sure our children do the same, and report to law enforcement agencies on any use of illegal fireworks.

"Personally, I enjoy the beauty of fireworks and sharing the experience with my family and friends. It has been a tradition in Hawaii for many years for families to pop fireworks on New Year's Eve and New Year's Day for good luck for themselves and their loved ones, to bless their property, and to ward off evil spirits for the New Year. I believe our current law regarding fireworks is already strong, but needs to be followed and better enforced by all of us with the assistance of our law enforcement agencies. I wish the original bill was left intact with the task force aimed at stopping illegal fireworks, but with the amendment allowing counties to enact more strict standards on fireworks than State law, I cannot support it. Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. I nickname this bill the 'Miller Lite' bill Mr. Speaker, because it 'tastes great, but is less filling.' And by that I mean that, while I applaud the intent of giving the counties home rule and the ability to decide whether or not on their own that they should go stricter than State law, I believe what's going to happen is most of the counties are probably just not going to really not take any action at all.

"So because of that I do see maybe this bill is more of a feel good measure than one that will be really be effective. But at the same time, maybe if one good thing can come out of this, because these laws are

enforced by the county police departments, that perhaps in looking at giving it back to the counties that there might be more of an effort by the counties to ensure that enforcement of existing State law actually happens. Thank you."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. I still believe that the way to deal with this is not piling up laws. For the last six years that I've been in this Chamber we've written so many laws, we've tackled it every year and put in heavier penalties, but yet we haven't done anything to improve the situation.

"I think this is an enforcement issue, Mr. Speaker. Until we have a commitment that we will police ourselves and commit to the enforcement of any laws that we pass in this Chamber, we're not doing anything. I would like the words of the Representative from Waipahu to be inserted as my own. Thank you."

Representative Aquino rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Mr. Speaker, I rise in support with reservation. First, I fully support the illegal fireworks task force component of this bill. The task force will look at the issues surrounding importation of illegal fireworks and make recommendations for planning and implementation. This is definitely needed as many residents have seen the proliferation of illegal fireworks on display in our neighborhoods throughout the calendar year.

"The area of concern for me is the county component, which would allow the counties to adopt and enact ordinances that would be stricter than State law. I am not sure if passing this onto the counties would be the most appropriate action at this time. Prior to current State law, counties throughout the State had various ordinances ranging from a total ban to allowing fireworks use that is currently classified as illegal. This lack of uniformity is what we may experience once again. Although I do agree that the last several years have spawned countless incidents of injuries, I believe that there should be a tougher commitment of enforcing current law before we move into this direction.

"For these reasons, I will be voting in support with reservations. Thank you."

Representative Tokioka rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. Thank you and I'll just make some real brief comments. I think a lot of times in this Chamber we talk about home rule, but I don't think it's appropriate that we continue to pick and choose which ones we want to make home rule. I think it's something that is a statewide situation, that when we're going to establish a ban it shouldn't be different on Kauai than it is on the Big Island or Maui or anywhere else. Sometimes we've just got to stand up to the plate and take the jabs and make the decisions, and not pass it off to the counties. Thank you very much, Mr. Speaker."

Representative Takai rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in support. Thank you. I'd like the written and the spoken words of the Vice Chair from Finance entered into the Journal as if they were my own. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1059, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Cabanilla, Chang, Karamatsu, Manahan, Nakashima, Sagum and Tsuji voting no.

Conf. Com. Rep. No. 72-10 and S.B. No. 1105, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1105, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. This measure basically requires reports of studies and audits requested by the Legislature that are conducted by an Executive department or agency and requires the Chairs basically to schedule and hold a hearing or an informational briefing on these reports. Mr. Speaker, I find it a little odd that we're requiring our Chairs to have these informational briefings on the reports that we ask the Executive Departments to do.

"For one, the Administration, especially during this time, there are so many reports that come out, and they're tasked with running their departments and their deputy directors are tasked with helping them run their departments. We call them into informational briefings, I thought, when we need them to explain something or if we wanted to go further into a report or an audit or whatever it is. And we have the flexibility and we make these decisions on a weekly basis, off session and on session. So I just don't understand why we need to do every single report that comes in. And in a time when we're strapped for time and people are on furloughs and time is of the essence to get things done and people are scraping by just to be able to get their work done, that we want to call them into these informational briefings and not give the flexibility for the Chairs to call an informational briefing when they choose to do so.

"So I just think that we should kill this bill, Mr. Speaker. I know it's already at Final Reading and both sides agree with moving this bill forward. It's a lot of wasted effort and energy and we could use our time for our State much better than that. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I just would like to note comments by Dr. Fukino, Department of Health, that the fiscal implications of this measure are potentially significant, but un-quantified additional workload for both the Executive and Legislative branches. The Legislative Reference Bureau made a comment that the primary change caused by this measure is that every agency will need to assume that it should prepare informational briefings or public hearings for all of its studies or reports.

"This will add another hurdle prior to the completion of any study being submitted to the Legislature at the time that those agencies are presumably preparing for budget hearings. So I think that this is an unwise measure, and it does have fiscal and time implications that are going to be detrimental. Thank you."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I read the bill. It went through the Legislative Management Committee. I don't interpret it the same way that the Representatives from Kailua and Red Hill have interpreted it. I think it just defines more the procedures for the Committee hearings. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Finnegan, Marumoto and Thielen voting no.

Conf. Com. Rep. No. 76-10 and S.B. No. 2231, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2231, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Rhodes rose to disclose a potential conflict of interest, stating:

"I just needed to request a ruling on a potential conflict of interest. My wife's law firm represents Better Place Hawaii which is in the process of setting up the infrastructure to support electric vehicles. Thank you," and the Chair ruled, "no conflict."

Representative Pine rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for Senate Bill 2231, Relating to Electric Vehicles. This measure troubles me since not one individual came forward that resided within a condominium, townhome, or planned community association to testify that a prohibition to install an electric car charger on their property existed within any particular residential community.

"No evidence was presented that the installation of electric car chargers was a troublesome or cumbersome task to achieve for those that own electric vehicles.

"Yet, with dozens of citizens coming forward that they are being denied the ability to display the American and state flags on their property within these same associations, this bill is a slap in the face to those that choose to honor the flag. The Legislature has its priorities mixed up when no one comes forward to state a problem exists, such as with the placement of electric car chargers, and the bill gets heard and passed, while treatment of the flag is dismissed and deemed not even worthy of a hearing in the State Senate. This is just wrong on all fronts.

"Furthermore, the bill places the association's membership with the burden of having to pay for the request made to install an electric car charger by the one member making the request. This forces members within an association who cannot afford an electric car to shoulder the expense of any costs incurred by a fellow member where a design request application fee is assessed to review the plans for installing an electric car charger device.

"With the absence of testimony and input from the community association industry to answer how costs to install electric car chargers are to be borne by non-electric car users and the lack of a problem or prohibition against electric car chargers being evident, I am voting with reservations on this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2231, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 83-10 and S.B. No. 2919, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2919, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. The purpose of this measure is to require the Department of Public Safety to provide support for security at the Hawaii State Hospital, and require the Department of Health in collaboration with the Department of Public Safety to report to the Legislature with a plan for the provision of short and long term security for the Hawaii State Hospital. It also states that this is to protect not only the community, but also to protect the people in the hospital.

"Mr. Speaker, through the testimony that has happened not only from the Department of Health, but also from the Department of Public Safety, what we did was appropriate money, as well as in this bill it states that they have State security officers. These positions are State security officers and do not have arrest powers. This means that these positions, these security officers, would still need to call HPD or sheriffs when assisting or addressing the situation of say, an escaped patient. Going at it alone could result in litigation without the protection afforded from law enforcement officers with arrest powers.

"Mr. Speaker, also what has happened in the past, the public safety, these positions are actually outside of the facility. So what they were saying is, even when there are disruptions within the hospital, that they're unable to help them within the hospital and that what you really need is the ability to have orderlies or trained orderlies to handle disruptions from the patients.

"So Mr. Speaker, as much as this bill I'm sure is needed for safety reasons, I'm not sure that we're getting to the actual problems that this bill tries to address. Thank you."

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Conference Committee Report No. 83-10, S.B. 2919, S.D. 1, H.D. 1, C.D. 1.

"Mr. Speaker, the patients at the Hawaii State Hospital are considered to be in need of confinement, including forensic patients committed to institutionalization by the courts. Over the years there have been an average of six escapes annually and numerous assaults on the staff. The most recent escape being on December 3, 2009, of a forensic patient who was committed to the hospital in 2002, after allegedly committing kidnapping and sexual assault on a child. Additionally, the high occupancy rate at the hospital, coupled with the budget cuts and security reductions, have compromised and jeopardized the safety of both workers and patients at the facility, as well as the community and surrounding neighborhood.

"Mr. Speaker, this measure will require the Department of Public Safety to provide support for security at the Hawaii State Hospital. Additionally, the Department of Health may advise the Department of Public Safety on the appropriate level of security required. This measure further requires the Department of Health, in collaboration with the Department of Public Safety, to report to the Legislature on:

1. The plan, strategies, and timetable for ensuring the provision of appropriate levels of security at the Hawaii State Hospital over the long term; and

2. Short- and long-term strategies and plans to address the State's increasing and aging forensic population of the Hawaii State Hospital, including but not limited to facility needs, capacity issues, and other off-site options.

"For these reasons, I urge all my colleagues to vote yes on Conference Committee Report No. 83-10, S.B.2919, S.D. 1, H.D. 1, C.D. 1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2919, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL," passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Finnegan, Marumoto and Rhoads voting no.

Conf. Com. Rep. No. 84-10 and S.B. No. 2937, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2937, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. This bill chisels away at democracy and I believe it lessens the confidence that people have in their government. The purpose of the bill is to deal with vexatious requests, if you can figure that one out. Vexatious requests. Which are actually requests of the public to the government for records for the purpose of casting dispersions on public figures, governments or our policies.

"In the last three years, particularly since our new President took office, there've been two conspiracy theories that have come to light. The '9/11 Truthers,' and more recently the 'Birthers,' who believe that the government has something to hide, and if they're just persistent they will break through and expose this. While I believe there are reasons why not to waste government time, bothering with these particular individuals, I think what we have to give up in terms of democracy is not worth that effort.

"The language of this bill says that an agency shall not be required to make government records available or respond to a person's subsequent duplicative request if the following three conditions are met. One, after conducting a good faith review in comparison of earlier request and the pending request, the agency finds that the pending request is duplicative or substantially similar in nature. Secondly, the pending request has already been responded to within the past year. And thirdly, the agency's response to the pending request would remain unchanged.

"In effect Mr. Speaker, what this bill does is give the agency the power to say no, and just because we said so, we're not going to answer to you. That doesn't make government look very astute, smart or responsive.

"Mr. Speaker, I refer to the *Star-Bulletin* editorial a few days ago, which basically said, 'The anti-Birther exemption would imperil public access.' Essentially it says that the legislation pending now before the Capitol, allowing the Department to ignore follow up requests would only feed the fringe and dangerously chip away at the Hawaii Sunshine Law.

"So basically if we pass this law and we send the signal out that Hawaii is shutting down any requests on anything, whether it's Birther or otherwise, and other people would take advantage of that because the Birthers have burrowed into this, and we say no because we said so. We're sending a very strange message.

"The editorial also goes on to say, 'Does it really concern so much time to answer several Birther emails a day especially since the Department should have devised a standard email request by now and can deal with the nuisance.' Mr. Speaker, you know how it is to push a button and respond to an email with the same boilerplate. That's simple, that's a management issue. That's not something that we should be dealing with here on the Floor and shutting our government down and sending signals to the rest of the nation.

"I cite Executive Order 13256 last year signed by President Obama. It summarily states that nothing can be so top secret as to remain indefinitely sealed forever from the public's eyes. Mr. Speaker, the public in the federal context is going to have everything revealed. What are we trying to do in this State? We're following a bad example. The late President Kennedy said that the very word secrecy is repugnant in a free and open society, and that we as a people inherently and historically have opposed secret societies, opposed secret oaths, and opposed secret proceedings. We decided long ago that the dangers of excessive, unwarranted concealment of pertinent facts far outweighed the dangers which they are cited to justify.

"So Mr. Speaker, let's not sacrifice the ultimate that is our freedom, our democracy, and the open flow of information for the sake of something that's probably a temporary 'burr in the saddle,' a 'bee in the bonnet.' Mr. Speaker, some of my colleagues stand up and remind me, hey the Administration is strongly backing this bill, which they are, as it was strongly backing the other bill which I voted against, job killer number 16. Mr. Speaker, it's not whether the Administration likes it or doesn't like it, it's what's right for the people of Hawaii and that's why this bill is bad policy for the people of Hawaii. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. There are times when these vexatious requests come in and they actually stop open flow of information to the public that is requesting information from agencies. To say they're temporary, I would differ with that. I do think, and I don't know why, but there are people I'm sure every year, that get upset with something that might have happened to them and they become a vexatious requestor. Personally as a State Representative for the last eight years, twice in the eight years that I've been here, I've seen them be vexatious against certain agencies. When they got mad at an agency they would start sending in these requests for information and they would continue, and continue, and continue. It was actually an obstruction to the agency trying to help the public.

"I applaud the attempt to try to solve this problem. It sounds easy on the surface, but it's not. I think it's very complicated. I think the previous speaker did point out the three criteria on what qualifies as a vexatious requestor. I applaud the Committee for putting this bill together and moving it forward. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. I will stand and support our Governor on this. The editorial kind of misses the point. I mean, they make it sound like, 'Oh, just a couple of emails come in every day from the Birthers asking for information.' I talked to the Director of the Department of Health. It's a far cry from that, Mr. Speaker. They're inundated with hundreds of them, all from the same people over, and over, and over again. Even those who get the information, they come back because they don't believe it, Mr. Speaker.

"We've RIFed positions in the government and as a result with all of the people taking up time repeatedly answering these requests, they're not able to answer other legitimate requests that people are making for information. So what's happening is a very select few who meet this three point criteria that the Majority Floor Leader spoke of are basically paralyzing the government and giving the regular citizens the inability to get timely access to records that they need, Mr. Speaker.

"So I stand in support of this bill because it's not just a few emails here and there. It's just an uninterrupted flow of old requests over, and over, and over again. Even when they get the information, if they don't like it, they come back over, and over, and over again. I think it's time we put the public and their needs ahead of those of a few individuals who continue to just weigh the system down. Thank you, very much."

Representative M. Lee rose to speak in opposition to the measure, stating:

"In opposition. I'd like to put some written comments in the Journal. I request to include in the Journal an article written by Cynthia Oi in the *Star-Bulletin*, Sunday 4/25. Thank you."

Representative M. Lee's written remarks are as follows:

"I rise in opposition to SB2937, SD1, HD1, CD1. The *New York Times* reported today that a high percentage of people share the anti-birthers views. Hawaii should not forestall any requests, even frivolous and harassing, through anti-information tactics.

"Requests to the government should be handled seriously, as almost 99 percent are from the mainland. Many of these people may have been or will be tourists visiting our islands.

"Handling the anti-birther requests is a public relations problem—not a legal problem. We should treat each request seriously and not with disdain, as is sometimes the way of local bureaucrats. With the computer, it is easy to generate replies—including a reply that says we have already answered your request, but in case you did not see it, here's a copy. We should not pick a fight by using words like, "we already told you."

"Public relations experts could craft a campaign to help the people in the Health Department answer the inquiries. We should always be courteous and positive in replying to the public. I would like permission to insert the article written by Cynthia Oi in the Sunday, April 23, 2010 *Star Bulletin*."

"UNDER THE SUN
Arizona politicians join the 'birther' movement
By Cynthia Oi

POSTED: 01:30 a.m. HST, Apr 25, 2010

Like Hawaii, Arizona's natural wonders attract lots of tourist types. There's Monument Valley, the Painted Desert, the Petrified Forest and the lesser-known Canyon de Chelly.

The last is overshadowed by its cousin, the Grand Canyon, which has been made unappealing by swarming hordes, kind of like what's happened at Ka Iwi after the state bought a piece of the coastline to "preserve" it from development and instead built out the once-quiet, semi-hidden treasure into yet another stop on the ever-growing, invasive list of sightseeing stations.

But I'm getting off point. As I said, Arizona's generally a nice place. Nonetheless, it, too, has a legislature made up of politicians prone to getting wacky like our homegrown bunch.

What happens in Phoenix usually stays in Phoenix or within the confines of the state's borders. However, it seems Arizona's gone birther and as a result could bleed its wacky thousands of miles over land and sea to our fair shores.

You see, 31 of Arizona's House members aren't sure that Barack Obama is an American. They passed a bill over the objections of 29 of their rational colleagues to require the president to show his birth certificate if he chooses to run for a second term in 2012. If not, his name won't be on Arizona's ballot.

Those legislators aren't the only doubting Thomases and Thelmas. Although 58 percent of Americans in a recent New York Times/CBS poll said correctly that Obama was born in the United States, 20 percent believe he wasn't and 23 percent weren't sure.

And there's no convincing these people otherwise. Some are sure he was born in Kenya because they've seen photographs of a sign somewhere in that country, welcoming visitors to his birthplace.

Tell them that anyone can slap up a sign in Kenya, Kyrgyzstan, Korea (North and South) or even the Arizona town of Kingman, but that won't change their minds.

You can tell the birther-Arizonans that even if their Senate approves the bill and gets their governor to sign it, their measure won't amount to a hill of beans in either canyons Grand or de Chelly because federal laws rule in presidential elections.

The display of wacky has a number of Arizona legislators mortified. Said Rep. Chad Campbell, "We're becoming a national joke."

If the words sound familiar, it's because many island lawmakers and other elected officials have uttered them. With Hawaii's image tainted by their deeds and misdeeds, they need no extra help from the birther crusade.

However, a counteroffensive bill being considered here isn't the answer. The measure that would allow state agencies to stop responding to repeated information requests—like the demands for the president's birth certificate that flood the Health Department daily—could result in denying legitimate petitions.

Here's a suggestion. Print the website posting of Obama's birth certificate. Dress it up with photo of a rainbow over Diamond Head with tiki torches and Waikiki beach in the foreground. Slide it into a kitschy frame and send it with great ceremony and a plastic lei to the wacky wing of the Arizona legislature. Then direct birthers to get copies from them. The contrived nature of the document should be convincing to all screwballs. Or we could put up a sign.

Cynthia Oi can be reached at coi@starbulletin.com."

Honolulu Star-Bulletin

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, just with reservations with the words of the Representative from Hawaii Kai entered as my own. I think that this is one of those measures that you can see that we need to pass some bills to make sure that we're doing our job, that the agencies are doing their job. But we are in a very dangerous, dangerous slope if it gets out of control. You don't want to have people who cannot get information they're entitled to. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Ching be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. I've been listening to the debate and in fact, I was going to vote up, but I changed my vote to no. I don't think this bill is going to stop vexatious requests. In fact, if we don't do anything in replying to these requests I think you're going to 'stir the sleeping beast' and they'll get more and more. Because what this bill does is basically says we shall not respond to the same request. So if they start getting upset as the Majority Floor Leader has already mentioned, they can turn around and start making any types of requests.

"I think it might just be easier to identify that this is a Birther requesting the same information and to send that email the same response. We do it in our offices. On many occasions we get emails on the same topic and what do we do? We don't investigate every single email. We just send them the same response. We just change the name. I would suggest that we take a look at this one more time. Thank you, Mr. Speaker."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I think people are really misreading this entire bill and this entire issue. Vexatious request was actually something that was in the original bill. Nowhere is that ever found in the current bill, so I really wish people would stop characterizing it that way.

"What they don't understand is the current process under the Uniform Information and Practices Act, Chapter HRS 92F. Under that Chapter, there is an affirmative duty on behalf of the agencies to respond to every single request. They must do so within 10 days, otherwise they must also get an extension. At that point any person can also request an opinion from the Office of Information Practices to compel the production of the documents. And then finally they even get a right of remedy under 92F-15.

"So anybody that makes a request has many, many opportunities to get valid requests fulfilled. However, there are many, many times when an agency responds and then the next day they get the same response and the same response and the same response. And guess what the agency has to do? Every single response they are affirmatively required to respond. That is a complete waste of time. All we've done in this bill is say, if you gotten a response in one year, that's it. If something changes we will give you the documentation. But if nothing changes there's no need to respond.

"I really wish people would read the bill and understand the entire Chapter and its structure before they talk about the eroding of democracy and the slippery slope because really that's what the UIPA is about. And if you have not done a request, I would suggest that you do one first before you start criticizing the bill and its process. Thank you."

Representative Souki rose and stated:

"Yes, Mr. Speaker, I'm vexed by this bill. I call for the question."

At this time, Representative Souki called for the previous question.

At this time, the Chair stated:

"The question has been called. If you would like to submit written comments to the Journal, please do so, on CCR No. 84-10, whether you are up or down."

Representative Ward rose and stated:

"Mr. Speaker, just a brief rebuttal."

The Chair addressed Representative Ward, stating:

"The question has already been called."

Representative Ward: "Oh, I thought he was making a joke. He was serious. I wanted to comment on those comments that think that we haven't read the bill and that we're not serious about it. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2937, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Final Reading by a vote of 41 ayes to 10 noes, with Representatives Berg, Brower, Finnegan, Hanohano, M. Lee, Marumoto, Morita, Rhoads, Takai and Ward voting no.

Conf. Com. Rep. No. 85-10 and S.B. No. 2565, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2565, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would just like to refer to my Third Reading comments on this bill. Thank you." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2565, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 88-10 and S.B. No. 2897, SD 2, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2897, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Karamatsu rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in support with reservations. I just want to thank the introducer of this bill, as well as the individuals that backed it. My 'advocacy hat,' if I had it on all the time, would probably have me vote up on every bill. But for this bill, I'm putting on my 'lawmaker hat' and 'attorney hat,' and I take it the law as a whole. So I rise in support with reservations.

"The purpose of this bill is to make further amendments to an ignition interlock statute that will come into effect next year. I will agree it needed corrections to the statute. However, the insertion of a criminal sanction against the exercise of a privacy right is beyond fine tuning of the statutory provisions for the ignition interlock law.

"Criminalizing the refusal to submit to a test infringes upon important personal rights that in the past, this Legislature has been mindful of protecting. Under Hawaii case law, unless injury or death is involved, the person being requested to give a breath, blood, or urine sample for a DUI investigation has a right to refuse as set out in statute. This is clearly set out in the case of State of Hawaii vs. Entrekin. And in prior consent statute, HRS 291E-11 states that a person is deemed to have given consent subject to this part to a test or test approved by the Director of Health of the person's breath, blood or urine for the purpose of determining alcohol concentration or drug content of the person's breath, blood or urine.

"Why do we have an implied consent for accidents not involving injury or death? It is because actual consent is lacking. In light of the fact that actual consent is lacking and no injury or death has occurred, the policy has been set out in statute that a person may withdraw actual consent. The State requires that the arrested person be informed by a law enforcement officer that the person may refuse to submit to a testing.

"However, there are clear sanctions for refusal. Under HRS 291E-65 subjects the person refusing to license suspension. This will be in addition to requirements of the application of the ignition interlock device. These civil penalties are not sanctions for crimes. This measure makes criminals of people who exercise their right to refuse. First the statute gives the people the right to refuse, then the statute strikes people down for the exercise of their right. This measure results in situations where the arrestee is convicted of refusal when the test result would have indicated that the arrestee was not guilty of intoxicated driving. There is no other criminal law in Hawaii like this. For these reasons I have reservations on this measure.

"And Mr. Speaker, I may be the last of the line of Judiciary Chairs to oversee the implied consent law. As mentioned earlier, as your Chair of Judiciary Committee my duty to this Body is to inform it of any bills unintended consequences and my second duty is to ensure laws are applied fairly. Thank you, very much."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I can appreciate the comments from the previous speaker, but I think it's very clear that we need to really outline for this Body exactly what we're talking about here when we talk about implied consent.

"First of all, I'd like this Body to understand that pursuant to a US Supreme Court case in 1966 called Schmerber vs. California. This was a seminal case in which blood was forcibly drawn from a DUI crash suspect. While the case is better unknown for the search and seizures issues, it discussed the privilege against self-incrimination. The US Supreme Court said, it could not be denied that it required petitioners to submit to the withdrawal and chemical analysis of his blood, the State compelled him to submit to an attempt to discover evidence that might be used to prosecute him for a criminal offense.

"He submitted only after the police officer rejected his objection and directed the physician to proceed. The officer's direction to the physician to administer the test over petitioner's objection constituted compulsion for the purposes of the privilege. The critical question then is whether petitioner was thus compelled to be a witness against himself.

"It is clear that the protection of the privilege reaches an accused communication, whatever form they are and whatever form they might take, and the compulsion of responses which are also communications, for example, compliance with a subpoena to produce ones papers.

"The court goes on to further note, on the other hand both federal and state courts have usually held that it offers no protection against compulsion to submit to fingerprinting, photographing, or measurements, to write or speak for identification, to appear in court to stand, to assume a stance to walk, or to make a particular gesture. This distinction which has emerged often expressed in different ways is that the privilege is a bar

against compelling communications or testimony, but that compulsion which makes a suspect or accused a source of real or physical evidence does not violate it.

"Furthermore, the Hawaii Supreme Court has also opinioned on this issue regarding the distinction between testimonial and physical evidence in assault incrimination challenge. The Hawaii Supreme Court noted that appellant argues that the probation condition of his drug testing and his admission of drug use during the meeting with his probation officer violated his right against self-incrimination. This argument is without merit. As appellant fails to recognize the key distinction courts have made between testimonial and physical evidence obtained from the defendant. The privilege against self-incrimination is not necessarily implicated whenever a person suspected of criminal activity is compelled in some way to cooperate in developing evidence which may be used against him.

"So we need to make something clear, Mr. Speaker. Essentially, because of this seminal case, this US Supreme Court case, the power of police, they can forcibly extract a blood sample or any type of chemical sample from the defendant if they're suspected of DUI, and that's why many states created something called these implied consent laws. These laws deem that a person has consented to testing assuming probable cause and an arrest for DUI. So Hawaii's laws include an implied consent which basically means if you drive on our roads, you agree to submit to the test. The implied consent is currently on the bottom of the driver's license application.

"So in order to avoid the police physically confronting people to make them take the test, we in Hawaii had included this statutory right to refuse a test which results in the driver being able to drive at all during the revocation period, unlike people who do take the test and get a conditional license. So it was always intended to be a disincentive for those who refuse.

"I feel that this bill really comports of what's happening even at the federal level. Before me here is the National Highway Traffic Safety Administration's report that was produced in September 2008 to Congress, and specifically this report talks about refusal of intoxication testing. The report draws from several studies examining various aspects of refusals or non-testing in cases of DUI arrest or crashes.

"The National Highway Traffic Safety Administration recommended to Congress that states should have either some strong laws against test refusals, strong penalties for test refusal, or simply eliminate legal provisions that allow arrested suspects to refuse to take a blood alcohol content test.

"So in summary Mr. Speaker, this bill really is the final piece of our ignition interlock law. As this Body will recall in 2008 we signed the first ignition interlock law into place which created the ignition interlock task force promulgated as Act 171."

Representative McKelvey rose to yield his time, and the Chair "so ordered."

Representative Har continued, stating:

"Thank you. This legislation really implements the final pieces of the recommendation from the task force. Notably, it makes it illegal to tamper or circumvent with the ignition interlock device. It makes it a petty misdemeanor to refuse to submit to a breath, blood or urine test. It does repeal the indigency fund and it requires now that the offender be required to incorporate that into his pricing for the indigency fund.

"So again this has been three years coming, and assuming that the Governor signs this into law, on January 1st 2011 the ignition interlock will finally become a reality in this State and will help us to begin saving lives.

"Finally Mr. Speaker, I do want to thank the Transportation Chairs of both the House and the Senate, the Judiciary Chairs in the House and the Senate, including our former Representative Tommy Waters, and finally the Finance Chair, as well as you Mr. Speaker, for being very supportive of these measures throughout the past three years. Thank you."

Representative Karamatsu rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support of this measure, but with reservations. The purpose of this bill is to make further amendments to an ignition interlock statute that will come into effect next year. I agree with making needed corrections to the statute.

"However, the insertion of a criminal sanction against the exercise of a privacy right is beyond "fine tuning" of the statutory provisions for the ignition interlock law. Criminalizing the refusal to submit to a test infringes upon important personal rights that in the past this Legislature has been mindful of protecting. Under Hawaii case law, unless injury or death is involved, the person being requested to give a breath, blood, or urine sample for a DUI investigation has a right to refuse as set out in statute. This is clearly set out in the case of State of Hawaii v. Entrekin, 98 Haw. 221 (2002).

"Under our implied consent statute, HRS §291E-11 states that a person is deemed to have given consent, subject to this part, to a test or tests approved by the director of health of the person's breath, blood, or urine for the purpose of determining alcohol concentration or drug content of the person's breath, blood, or urine. Why do we have an implied consent for accidents not involving injury or death? It is because actual consent is lacking. In light of the fact that actual consent is lacking and no injury or death has occurred, the policy has been set out in statute that a person may withdraw actual consent. The statute requires that the arrested person be "informed by a law enforcement officer that the person may refuse to submit to the testing." However, there are clear sanctions for refusal. HRS §291E-65 subjects the person refusing to license suspension. This will be in addition to requirements of the application of the ignition interlock device. These civil penalties are not sanctions for crimes.

"This measure makes criminals of people who exercise their right to refuse. First, the statute gives the people the right to refuse. Then, the statute strikes people down for the exercise of their right.

"This measure will result in situations where the arrestee is convicted of refusal when the test result would have indicated that the arrestee was not guilty of intoxicated driving. There is no other criminal law in Hawaii like this. For these reasons, I have grave reservations for this measure.

"Mr. Speaker, I may be the last of a line of Judiciary Chairs to oversee the implied consent law. As mentioned earlier, as Chair of the Judiciary Committee, my duty to this Body is to inform it of any bill's unintended consequences. My second duty to is to ensure laws are fairly applied. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Final Reading by a vote of 51 ayes.

At 4:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1059, SD 2, HD 3, CD 1
S.B. No. 1105, SD 2, HD 1, CD 1
S.B. No. 2231, SD 1, HD 2, CD 1
S.B. No. 2919, SD 1, HD 1, CD 1
S.B. No. 2937, SD 1, HD 1, CD 1
S.B. No. 2565, SD 1, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Marumoto introduced Ms. Carol McNamee, founder of MADD Hawaii.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Conf. Com. Rep. No. 89-10 and S.B. No. 2346, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2346, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on Conf. Com. Rep. No. 89-10, I do have some comments with reservations. Thank you Mr. Speaker, I rise with reservations on this measure that makes various reforms to improve the operations of the Hawaii Teacher Standards Board, HTSB.

"As stated in the Committee Report, this measure is in response to a 2009 audit that found several problems with the HTSB but it stopped short of the Auditor's recommendations to, 'transfer responsibility for administering a teacher license program from the Hawaii Teacher Standards Board to the Board of Education.'

"I support many of the provisions of this bill, including the delegation of more power and authority to the Executive Director of the Board. That should improve its operations. However, my objection is that this measure does not do anything to address the way teachers are licensed or our ability to recruit new teachers. This is an area that is in desperate need of reform.

"In our Race to the Top application, Hawaii scored just eight points out of the possible 21 points in the area of providing high quality pathways for aspiring teachers and principals. Our poor performance in this area is one of the reasons why we were unable to obtain the $75 million that we applied for in the first round of the Race to the Top funds. We did address part of this problem with another piece of legislation providing alternative certification for principals, but we did not provide an alternative route for teachers. That needs to change if we hope to do better in later rounds of Race to the Top and improve the way we deal with teacher certification. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2346, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Final Reading by a vote of 48 ayes, with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 90-10 and S.B. No. 466, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 466, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm voting in opposition with just short comments, Mr. Speaker. I was going to let this pass with a reservations vote, but instead I changed it to a no vote after I read the part that says 'government contractors or government employees are exempt.' Mr. Speaker, what's 'good for the goose is good for the gander.' Just because we're government we can go ahead and make noise and contractors that are small businesses cannot because they're employed by someone else? Mr. Speaker, that to me is ridiculous, and we should kill this bill just because of that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 466, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," passed Final Reading by a vote of 45 ayes to 3 noes, with Representatives Finnegan, Herkes and Manahan voting no, and with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 91-10 and S.B. No. 532, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 532, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Saiki rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure. The Chair of the House Judiciary Committee has apprised us repeatedly today that his role, in large part is to guard against legislation that poses "unintended consequences." (See e.g., comments to Conference Committee Report No. 66-10, S.B. 2169; CCR No. 88-10, S.B. 2897). I would hope that this standard is applied to this measure because the unintended consequences of S.B. 532 are extraordinary. This measure is overbroad and is not tailored to address the concerns raised by its proponents, i.e., to allow homeowners to protect their residences and family members.

"This measure is the product of the National Rifle Association (NRA). In its supportive testimony at the Judiciary Committee hearing, the NRA stated that this measure is necessary because "The time has come to take back our island." The tone of the NRA testimony is telling of the unintended consequences of this measure.

"All members of this Body support effective and proven crime prevention measures. However, S.B. 532 does just the opposite. It will heighten violence and the unnecessary use of force in our community. A few of the problems with this measure are as follows.

"First, it sends the message that the use of deadly force will be condoned, even if it's used only to protect property.

"Second, this measure will allow the use of deadly force on all forms of property, not simply residences. S.B. 532 applies to private and public property. Any owner or any person who is "authorized" to be on the property is covered by this measure. By way of example, this includes hotel guests, shoppers at shopping centers, sidewalk pedestrians, Aloha Stadium spectators, and roadway drivers.

"Third, this measure does not require that the purported crime actually be committed. S.B. 532 actually creates an incentive for persons to inflict fatal wounds. This is because S.B. 532 provides that if a suspect survives, then the shooter must prove that an enumerated crime was being committed. If the suspect is fatally wounded, then there is no such requirement (all that is required is a "reasonable belief" that an enumerated crime was being committed).

"Hawaii should not follow the lead of states such as Alabama, Mississippi, Montana, North Dakota, Texas and Utah, which have adopted similar legislation. Nor should the Legislature give such deference to the NRA. This measure could and should have been drafted in narrower terms; the starting point for analysis should be the Hawaii Penal Code, which includes self-defense provisions.

"This measure has significant unintended consequences. We should heed the admonition of the Judiciary Committee Chair and not enact this measure into law. Thank you, very much."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure, stating:

"In strong support, written comments."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in strong support for Senate Bill 532, Relating to Limiting Civil Liability. This bill will limit the civil liability of property owners for damages to persons injured or killed on premises while committing certain felony offenses.

"Mr. Speaker, this is a tough on crime bill. A person choosing to defend themselves, their family and their property by force should not be prone to civil liability. The victim should not be treated as a criminal. The victim may sometimes choose to make a split second decision if they perceive a criminal act taking place as life or death situation. Oftentimes, this decision must be made prior to the police arriving at the scene of a crime.

"Those opposed to this measure should put themselves in the shoes of the victim. Imagine sitting at home one night, watching television, and suddenly an intruder breaks into your home pointing a weapon, threatening to kill you and your family. You choose to stay seated and allow the intruder to burglarize your home, and commit other unspeakable acts, and then the intruder murders you and your family. The intruder leaves your home, and the police arrive 5 minutes later.

"What if the victim chose to act instead and fires a weapon possibly injuring or killing the intruder? As the law is currently written, the intruder or their family can sue the victim for damages, just because the victim was protecting their home, their family, and their possessions.

"Mr. Speaker, this bill will protect the victim, and I stand in strong support."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I rise in support. Mr. Speaker, under current law, when faced by a threat on one's life, one does not have a duty to retreat in one's home or office. Senate Bill 532, Senate Draft 1, House Draft 1, Conference Draft 1 goes further where an owner of real property or an agent of the owner lawfully on the premises by consent of the owner, shall not be liable to any perpetrator engaged in any of the felonies involving violence as set forth in this bill for any injury or death to the perpetrator that occurs upon that property during the course of or after the commission of such felony, or when a reasonable person would believe that commission of a felony as set forth in this bill is imminent. However, if a perpetrator is injured, the perpetrator must be charged with the criminal offense and convicted of the criminal offense or of a lesser included felony or misdemeanor. Further, the limitation of civil liability applies only when the perpetrator's conduct in furtherance of the commission of a felony specified in the bill proximately or legally causes the injury or death.

"I have to admit that I struggled over this bill for the past two Legislative Sessions. I will go over the internal struggle I dealt with and why I came to agree with this Conference Draft before us. Last year, this bill stalled in Conference since there was a stalemate between my counterpart in the Senate and myself. I drafted the House Draft 1 as narrow as I could with the intent to prevent any unintended consequences as best as I could. In the House Draft 1, the limitation of civil liability only applied to the owners. In contrast, the Senate defined an "owner" to mean owner, the occupant, tenant, or anyone authorized to be on the property by the owner or the occupant, including a guest or a family or household member, employee, or agent of the owner lawfully on the premises.

"Second, the House version limited civil liability to only apply when the perpetrator who is injured is convicted of a felony. It did not apply to when a perpetrator is killed. In contrast, the Senate version had limited liability for any injury or death to the perpetrator and had no requirement of a criminal conviction of the perpetrator.

"Third, the Senate version stated that the owner did not have a duty to warn the perpetrator of the felony and that he or she is armed and ready to cause bodily harm or death. The House version had no similar language. Finally, the last substantive difference is the Senate version had an additional subsection that did not limit the liability of an owner for injury or death caused to individuals other than the perpetrator of the felony.

"In this Conference Draft, I agreed to the Senate to not limit civil liability exclusively to owners, or private owners, for a couple of reasons:

1. The owner is not always the person residing on the property or needing to defend it. For example, a renter or a significant other is not the legal owner of the property, but may rise to his or her own defense while residing there; and

2. Private persons are not the only ones holding title to property. Government housing projects, for example, are owned by the State and we would not want to prevent lessees of government property to be forbidden from protecting themselves in their own homes.

"When I was younger, I trained in Aikido, the Japanese martial art that teaches one the emphasis on self-defense. When attacked, one uses the force of one's attacker to his or her advantage to subdue him, thus avoiding killing him. However, even with great discipline, under a very difficult situation, one's self defense force may be too great, which may result in the unintended death of one's attacker. Killing another should be avoided at all costs, but even with that train of thought in mind, the death of the perpetrator could still occur.

"After much thought and analysis, I agreed to the Senate amendment to limit civil liability for an owner or agent of an owner who injured or killed a perpetrator upon the owner's property during the course of or after the commission of a felony listed in this bill. On the other hand, the Senate agreed to the House version requiring a criminal conviction of an injured perpetrator in order to trigger the limitation of civil liability for the owner or agent of the owner.

"I agreed to the Senate Draft 1 language, which the House did not have that says that the limitation of liability shall not be affected by the failure of the owner to warn the perpetrator of the felony and that the owner is armed and ready to cause bodily harm or death. In my rationale, when one is faced by an imminent threat of harm, one has to make a split decision to save his or her life or the lives of others. The time it takes one to warn the perpetrator of the felony and that he or she is armed and ready to cause bodily harm or death could result in the owner's death and the death of those around him or her.

"For the last difference between the House and Senate on this bill, the Senate Draft 1 had an additional subsection that did not limit the liability of an owner for injury or death caused to individuals other than the perpetrator of the felony. I agreed with this safeguard because an owner should still be liable for negligently injuring or killing an innocent third party or a third party of a lesser crime.

"Finally, I agreed to this Conference Draft of Senate Bill 532 because there is a list of criteria an owner or agent of an owner in real property must meet in order to qualify in limiting his or her civil liability. These safeguards bring balance in protecting the perpetrator. The following are the criteria needed to limit civil liability for an owner or agent of an owner:

1. The perpetrator must be engaged in one of the following felonies, which are higher level felonies that mostly involves violence:

   a. Murder in the first or second degree;
   b. Attempted murder in the first or second degree;
   c. Any class A felony as provided in the Hawaii Penal Code, including any attempt or conspiracy to commit a crime classified as a class A felony;
   d. Any class B felony involving violence or physical harm as provided in the Hawaii Penal Code;
   e. Any felony punishable by imprisonment for life;
   f. Any other felony in which the person inflicts serious bodily injury on another person; and

g. Any felony in which the person personally used a firearm or a dangerous or deadly weapon.

2. The limitation on liability applies only when the perpetrator's conduct in furtherance of the commission of a felony specified in this section proximately or legally causes the injury or death.

3. This section does not limit the liability of an owner that otherwise exists for:

a. Willful, wanton, or criminal conduct; or
b. Willful or malicious failure to guard or warn against a dangerous condition, use, or structure; or
c. Injury or death caused to individuals other than the perpetrator of the felony.

"It is for all these reasons that I support this final version of Senate Bill 532. Thank you."

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 532, SD 1, HD 1, CD 1. The purpose of this bill is to allow the people of Hawaii to defend themselves against criminals in their homes or places of business. The general public policy is not to allow people to use deadly force when they are protecting property. However, unlike the case of a mugger stealing a briefcase, or a thief stealing a car, when a person commits a crime in your home or place of business and you are there, chances are that you may become a victim of a violent crime. This bill makes it so that you don't have to wait for that criminal to violate you or your family before you can take action. In situations like this, we shouldn't ask that a person put himself or herself at unnecessary risk and require that he or she try to escape from the property without injuring the criminal. This bill allows homeowners to defend not just their homes, but themselves and their families without fear of later legal retribution by the State or the intruder.

"The Conference Draft before you provides adequate safeguards for the lives of the people of Hawaii. Although we are allowing real property owners to defend their homes with deadly force, it is important to note that there are restrictions on this ability. Chiefly, it is only when an injured intruder is later found guilty of having been in the process of committing a crime, that there will be an absolute shield against civil liability for the defender. I believe that this qualification will prevent abuses of this important law while still providing protection for those who choose to forcibly defend not only their home, but also their families."

Representative M. Oshiro rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 532, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY," passed Final Reading by a vote of 37 ayes to 11 noes, with Representatives Belatti, Berg, Hanohano, Keith-Agaran, Luke, Morita, Nakashima, Nishimoto, Saiki, Takai and Wakai voting no, and with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 93-10 and S.B. No. 2371, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2371, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 97-10 and S.B. No. 930, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 930, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I need a ruling on a potential conflict. I am a Department of Health volunteer for the Medical Reserve Corp and this will be covering the liability. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose to disclose a potential conflict of interest, stating:

"A similar request for a ruling for a potential conflict. My husband sometimes volunteers in this capacity," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 930, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," passed Final Reading by a vote of 48 ayes, with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 100-10 and S.B. No. 2220, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2220, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"I would like a ruling on a potential conflict. I have contractors in the family," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2220, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Final Reading by a vote of 48 ayes, with Representatives Awana, Sagum and Souki being excused.

Conf. Com. Rep. No. 101-10 and S.B. No. 2399, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2399, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Final Reading by a vote of 48 ayes, with Representatives Awana, Sagum and Souki being excused.

At 4:19 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2346, SD 1, HD 1, CD 1
S.B. No. 466, SD 2, HD 1, CD 1
S.B. No. 532, SD 1, HD 1, CD 1
S.B. No. 2371, SD 2, HD 1, CD 1
S.B. No. 930, HD 2, CD 1
S.B. No. 2220, SD 1, HD 2, CD 1
S.B. No. 2399, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 105-10 and S.B. No. 1062, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1062, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 106-10 and S.B. No. 2883, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2883, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. This bill makes it an unlawful practice for any employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee legitimately uses accrued and available sick leave.

"Proponents of this measure would claim that by limiting the scope of this measure to employers with 100 or more employees and a collective bargaining agreement, that it does not significantly burden or adversely impact business. Additionally, this measure's proponents maintain that this bill is all about protecting employees who legitimately use sick leave.

"However, this bill addresses a matter that is subject to collective bargaining and should not be legislated. If you don't win at the bargaining table, you shouldn't come to the Legislature to renegotiate your deal through legislation. This bill takes away the right and prerogative of management to run their organization in a manner they see fit. And as the State Department of Human Resources Development and the Judiciary testified, the passage of this bill will, in effect, destroy the balance of negotiations and inhibit future negotiations, as well as force employers to indefinitely continue the employment of such employee who is determined to be medically unable to perform the duties of the position for which the employee was hired. The employer would be forced to either hire replacement employees, or burden other staff with the employee's share of the work, which then in turn adversely affects all public service.

"Lastly Members, the term 'legitimately' in the proposed section (b) conflicts directly with criteria set forth in the Bargaining Unit 1 and 10 collective bargaining agreements, which authorize the public employers to determine patterns of absences and institute disciplinary actions for the abuse of sick leave. By undermining these criteria, we are taking away an important and necessary tool for employers to determine when their operations and services are being compromised by employees regularly taking their sick leave in a manner that, while may not technically be, 'abuse of sick leave,' it is still wrong and compromises the organization. Thank you."

Representative Marumoto rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. The underlying principle here seems like a sound one. I do support the bill. I wish it were actually applied more broadly because I don't believe it's only the large employers who are unionized who sometimes penalize their employees for taking sick leave legitimately.

"But the whole idea of arguing against the principle that, if you are sick, you get to take sick leave that you're entitled to, that just seems ridiculous to me. You should be able to take sick leave when you're sick. And there are companies, I hope it's the tiny minority, but there are companies that occasionally don't allow that, and they penalize their employees for taking sick leave when they're sick. That just doesn't make any sense. Whether it's a big company or a small company, if you're legitimately sick, you should be able to take the sick leave that you've earned as part of your agreement with your employer. Mahalo."

Representative Finnegan rose to respond, stating:

"Mr. Speaker, I just wanted to emphasize, not all unions will come forward and speak loudly on this bill, and that's because sometimes what takes place is the employees themselves get upset when people have those kinds of patterns. Like three or four day weekends. Or not coming in on a Friday because they're sick, or on a Monday because they're sick. Abusing, but not abusing the sick leave policy. It has them in their working situations, put more pressure upon the work that they need to get done during that day. And management needs to be able to use those types of situations to clear up that particular problem. It's not only management being bad business owners or bad government, but it's a way to manage some of these problems.

"It's really interesting. My daughter, she will take on the weekend, she does a lot of dance, she does a lot of schoolwork, and all this other kind of stuff. Her schedule is quite busy and sometimes she'll do stuff all day Saturday, all day Sunday, and then Monday she'll get up and she'll tell me, 'Mom, I can't go into school today 'cause I'm sick.' Well, know what? She is sick. She's sniffling or whatever. I told her, 'You've got to. Come on and take a look at what's going on. This is the second time that you are sick on a Monday. You didn't decide to rest over the weekend. You decided to go on with your dance schedule over the weekend. You have an obligation to go to school on Monday. You need to manage your schedule.'"

Representative Wooley rose to a point of order, stating:

"Mr. Speaker. I'd just like to object. This is the second time she stood up and it's not in rebuttal. Point of order."

Representative Finnegan: "Mr. Speaker, I don't understand that."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, please continue and summarize it."

Representative Finnegan continued, stating:

"Mr. Speaker, so the point is that there is a responsibility. Just because you have sick leave and you're entitled to sick leave, there are responsibilities when you go to work that other people a lot of the time have to cover for you. Allowing the ability for management to manage their workforce is a very important balance in the employer/employee relationship. Thank you."

Representative Rhoads rose to respond, stating:

"Mr. Speaker, still in support and in rebuttal. Mr. Speaker, there are two separate questions being sort of rolled into one here. One is, whether you have sick leave, and then whether or not you are using it properly. The argument from the other side seems to be that if you take sick leave on certain days, it must be abusive. There's nothing to indicate that that's the case."

Representative Thielen rose and stated:

"Mr. Speaker, I object to that. There was no statement made to that effect. And I think that kind of personal attack is not ..."

Representative Rhoads: "It's not a personal attack."

Vice Speaker Magaoay: "Representative Thielen, hold on. Representative Thielen, please sit down. Representative Rhoads has the Floor. I had let Representative Finnegan continue on with her discussion regarding her opposition. Representative Rhoads, please continue."

Representative Rhoads: "It's not a personal attack. I'm just saying the argument seems to be that if you take sick leave on certain days, then you must be abusing it, and it's just not true. It's a case by case basis. Sometimes you're being abusive by taking sick leave, and sometimes you're not."

Representative Thielen: "Mr. Speaker. Mr. Speaker, I think that's inappropriate."

Vice Speaker Magaoay: "Representative Thielen …"

Representative Rhoads: "This bill simply looks to say if you're legitimately taking sick leave, you cannot be punished for it. And that seems like an irrefutable principle. Mahalo."

Representative Thielen: "Thank you. I don't accept his 'mahalo.' I don't think that's a 'thank you.' I think that was a personal attack. And our Minority Leader did not state that."

Vice Speaker Magaoay: "Are you for the bill? Are you for the bill or against the bill?"

Representative Herkes rose to a point of order, stating:

"Point of order. Please have the speaker address the Chair and not the individual."

Vice Speaker Magaoay: "Representative Thielen, are you for the bill or against the bill?"

Representative Thielen rose and stated:

"Mr. Speaker, I support the bill, and I support our Minority Leader. And she did not make that statement. There are people that have testified that there is a pattern within some instances where employees may have a history of taking a sick leave on a Friday or on a Monday. But it's something that was brought to the Committee and brought to us in testimony. And I think those personal attacks by the Labor Chair that go on during the session are highly inappropriate."

Vice Speaker Magaoay: "Representative Thielen it's not a personal attack. I appreciate your comments. Thank you, very much."

Representative Thielen: "Thank you. Mahalo."

Representative Marumoto rose to respond, stating:

"Mr. Speaker, still in opposition and a short rebuttal. But I do believe the Representative from Kailua stated it correctly, that you might have legitimately bargained sick leave available to a worker, but sometimes a worker may not really be sick and there might be some abuse of that allowable, legitimately bargained sick leave. And when that occurs, the brunt falls on the fellow employees. So I believe that this is the argument that was being put forward by the Minority Leader. Thank you. Mahalo."

Representative Ching rose to respond, stating:

"Thank you. I'm still with strong reservations. Thank you, Mr. Speaker. I think the bigger question here is, we all have staff ourselves so in effect we are all management. That's true, right? So I mean, business owners have management issues and we're all human beings. And yes, we all, if we get sick, certainly the wise employer is compassionate to those who are truly sick because if that person is a really productive person and yet they happen to be sick and they're using this time to get well, you want to keep really wonderful employees.

"But as managers we all know, why is it if somebody keeps on being sick, it's just the message. What is the message that we send consistently to the private sector? To people who are just trying to manage their businesses? That they don't have control over their own business as much, and we seem to be infringing more and more.

"I think that the concept that we have here is that we do feel that at times, the Representative from Chinatown sometimes seems to be not always saying things in such an upfront and sincere manner. Thank you."

Vice Speaker Magaoay: "Representative Ching, those comments are not accepted."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, I really wanted to extend my appreciation to the Labor Chair for working this bill through. This bill has been around for at least 10 years now. In fact when I was the Labor Chair back in 2003 we wrestled with the same issue.

"I think at that time with the great assistance of the then Minority Leader from Kailua we were able to persuade the Governor to pass into law the Hawaii Family Leave Act, which provided a great assistance to our families who were thereby able to use some of their accrued, acquired, earned sick leave to take care of their ailing parent or spouse or son or daughter or family member. This is just a continuation of that basic principle. And the idea I think is to make sure that legitimately used sick leave that's earned by the employee, that's part and parcel of their compensation package, that they'll not be punished for using it.

"I think in this age of diseases like the H1N1 'swine flu' where we're encouraged to stay home from work when we have the sniffles or sore throat. When you have the symptoms that might be attributable to H1N1, we're encouraged to stay home and to avoid contaminating our work place and infecting our colleagues. I think these policies strengthen that safety aspect of one staying away and using their sick leave when they're sick. So for that reason Mr. Speaker, I support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2883, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no.

Conf. Com. Rep. No. 107-10 and S.B. No. 910, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 910, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 108-10 and S.B. No. 2165, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2165, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just short comments with reservations. Even though Mr. Speaker, I have reservations on this bill and this is relating to private guards. This is security guards and the minimum qualifications, and education, and all of that other stuff.

"Mr. Speaker, I will support the bill, but I do have reservations because in a time where our retail merchants aren't having the easiest time keeping their businesses open, providing for security guards and paying for security guards and the high possibility of increased costs for them is still an important measure to consider. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2165, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 113-10 and S.B. No. 2825, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2825, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of the measure. I just would like to give a little bit of insight into this issue. This bill relates to the Student Loan Auction Rate Securities. Maui made some investments in 2007, up to 2008, and they purchased about $44.2 million in the Student Loan Auction Rate Securities through Merrill Lynch, and then Merrill Lynch continually during that period of time represented to the County of Maui that the Student Loan Auction Rate Securities were money market alternatives: safe, short term investments.

"During that time that Merrill Lynch said to the County of Maui that the auction rate securities had never had a failed auction, implying that the market was fully developed and liquid. In other words almost the same as a certificate of deposit in a bank. And on February 26 of 2007, Merrill Lynch told Maui County they'd never heard of an investor stuck into an extended auction against the investor's wishes.

"And then all the way up until practically the day before the collapse of the auction rate securities market, Merrill Lynch provided an auction market securities report to the County of Maui which again was basically saying, 'everything is fine.'

"Now there's been a finger pointed at our Budget Director for doing the same kind of investments, relying upon the same kind of investment advice during this period of time. And I think that that is misleading and unfair to the Budget Director. The securities are still liquid, Mr. Speaker.

"On February 24, 2010, the Budget Department sold $10 million of the auction rate securities at par value. There are other periods of time where the Director has stated in the absence of a market that will allow the State to sell more at par, the State will hold on to those securities until maturity. So the investments remain sound and good.

"The point is that the budget, the State of Hawaii, Maui County, and probably some other county departments and maybe the City and County of Honolulu; all of them were caught up relying upon sound investment advice, that the auction rate securities market worked. That you could redeem these weekly, monthly, as you wanted. And they relied upon what was supposed to be sound advice from the investment advisors, the brokerage houses, etc.

"So it is unfair to single out the Budget Director and say that she erred. She did nothing more than anyone else was doing across the nation. She also is now able to redeem some, not all but some of these, at par value, and she will not redeem the others until she can redeem them at par value. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just a couple of points of clarification. Maui did sue, I think it was Merrill Lynch, for the sale of the Student Loan Auction Rate Security. I think they purchased about $45 million worth compared to the State of Hawaii that purchased over $1 billion worth of Student Loan Auction Rate Securities. I think the Maui lawsuit was sometime in mid-February and that is proceeding.

"The basic allegations of the lawsuit of course is almost like a fraud and inducement that the representations of the broker at that time from Merrill Lynch. But for making representations that the Student Loan Auction Rate Securities were the equivalent of cash or certificate of deposit-like investments, Maui County would not have made the investment.

"I don't believe Kauai made a similar investment in Student Loan Auction Rate Securities, nor Hawaii County. I think the City and County of Honolulu did make some small investments in Student Loan Auction Rate Securities. Maybe less than I think $15 million, maybe $5 million. But the big one that purchased the most was the State of Hawaii through the Department of Budget and Finance. In fact Mr. Speaker, that's why we receive so much national attention. I think of the $300 billion in Student Loan Auction Rate Securities, Hawaii as a percentage was in the third highest in the nation as one entity purchasing so much of these Student Loan Auction Rate Securities.

"And I believe it is correct. I think the Budget and Finance Office were able to liquidate some of their securities after the February freeze on the Dutch Auctions. But since that time Mr. Speaker, there have been no Dutch Auctions. In fact, if you talk to any of the local stockbrokers, investors, broker houses, they will tell you straight up that they do not anticipate seeing any return of the auctions to sell Student Loan Auction Rate Securities.

"In fact, there may be an investigation coming forward through the Securities Exchange Commission or Congressional Banking Committees that could have this whole practice of investments and shoring up an artificial market for these securities, as put upon the investment community.

"I guess the point Mr. Speaker, is that this bill here, from here on out, will prevent the State of Hawaii from looking at just the representations of the broker houses, but the actual maturity dates of the instruments. At the Student Loan Auction Rate Securities before us, some of the maturities are well beyond the five years I think anticipated by our previous lawmakers who allowed the investment in the current statutes. So this will clarify the law going forward. I think it's a good thing. Thank you."

Representative Thielen rose to respond, stating:

"Yes, thank you. I just wanted to make clear to the Chair of the Finance Committee, I do support the bill. But I also wanted to make clear that this was something that impacted a huge number of states, counties, etc. across the nation. I'm glad that there's an investigation ongoing. I would anticipate that the State would be able to sell at par by the time these lawsuits wind their way through, and I believe the rulings will be favorable to the municipalities and the states. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2825, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 114-10 and S.B. No. 2828, SD 1, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2828, SD 1, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations and short comments. Thank you, Mr. Speaker. This is a bill having to do with impact fees and we did hear about how difficult it is for the Big Island, but that is not necessarily why I have reservations on this bill. Recommendations were made to this House and suggestions were made to add Charter Schools to this bill and having them be an option for receiving impact fees for either land or building of a school.

"Mr. Speaker, that makes sense. Public Charter Schools have been able to operate and some of the parts that they lack are in facilities and facilities costs. So it just makes sense that you would open it up to Charter Schools to be able to be recipients of these impact fees through the Department of Education.

"Mr. Speaker, when we don't do something as common sense as that, which is where they use money. The most direct avenue to getting a better price for these schools to open up, and directly in response to the community. This is what Public Charter Schools are. That we should have put them, as possible to receive these impact fees.

"Mr. Speaker, this is happening in West Hawaii. Half of the Charter Schools are on the Big Island. We should have fought harder for Charter Schools to be included in receiving impact fees. Thank you."

Representative Har rose to speak in support of the measure, stating:

"In strong support, and may I request permission to enter written comments into the Journal."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of SB 2828, SD1, HD3, CD1. This bill provides clarification on the determination of school impact fees for financing new Department of Education educational facilities or expanding existing ones.

"Act 245, Session Laws of Hawaii 2007, established the school impact fee program by creating school impact fee districts, and setting a system to provide lands and collect fees for new or expanded school facilities in areas with significant residential growth.

"Mr. Speaker, as the Representative for one of the fastest-growing districts in our State, I have seen first-hand the importance of ensuring that our public infrastructure, including schools, keep up with the pace of new development. I believe that the amendments made to the school impact fee program in this bill will help ensure that developers make a fair contribution to the construction of new public schools which are necessitated by their developments. In all communities across our State, these impact fees will benefit both new and long-time residents alike.

"For these reasons, I stand in support of this bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2828, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 115-10 and S.B. No. 2324, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2324, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'll be in opposition, but to save time, could you just include my arguments from the previous times I spoke on this bill. Thank you." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2324, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Ching, Finnegan, Marumoto, Pine, Thielen and Ward voting no.

At 4:47 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1062, SD 1, HD 1, CD 1
S.B. No. 2883, SD 1, HD 2, CD 1
S.B. No. 910, SD 1, HD 2, CD 1
S.B. No. 2165, SD 1, HD 2, CD 1
S.B. No. 2825, SD 1, HD 1, CD 1
S.B. No. 2828, SD 1, HD 3, CD 1
S.B. No. 2324, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 121-10 and S.B. No. 2661, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2661, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Luke rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to disclose a potential conflict. The law firm that I work for has a claim listed in this bill. Thank you," and the Chair ruled, "no conflict."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I have the same request on this bill. My law firm has a claim for a payment of attorney's fees under this bill. Thank you," and the Chair ruled, "no conflict."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. Same request. My law firm has a claim in this bill as well," and the Chair ruled, "no conflict."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and I just would like to note that this is why when you take a look at the dollar figure attached to this, this is why we need to clarify in State Law that the Legislature, and not the courts, will decide when the State waves its sovereign immunity. Thank you."

Representative Saiki rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. I have the same request to disclose a potential conflict. My client's settlement is included in this measure," and the Chair ruled, "no conflict."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

[This section intentionally left blank.]

Summary

	General Funds	Special Funds
2010 Regular Session		
SB No. 2661		
BED		
Brandt v. BED	80,000	
EDN		
Cabanting etal v. Poouahi (settlement)	3,485,815	
Clark v. State of Hawaii	30,000	
Conley v. Mahuna etal	15,000	
T.N. v. DOE etal	75,000	
HMS		
Manalo v. Wells etal - interest from 10/21/09 (judgment)	32,478	
Henson v. State (settlement)	30,000	
Ayala etal v. Wilson etal (settlement)	50,000	
McMillon etal v. State and Faletogo etal v. State (settlement)	610,000	
Kong-Guillermo v. Hefferman etal (settlement)	110,000	
Perez v. Karr etal (settlement)	213,333	
Wolters v. Carroll etal (settlement)	213,333	
Toomey v. Karr etal (settlement)	213,333	
Hadley v. Torney	100,000	
Robinson v. Tripler Army	12,000	
LNR		
Consolidated cases - Pflueger (settlement)	1,500,000	
Roque v. Dickman etal (settlement)	93,850	
PSD		
Botelho etal v. State (judgment)	30,454	
DeJesus etal v. State (settlement)	80,000	
Ra v. State (settlement)	39,500	
DOT		
Bartoleme v. Tagalicod etal (settlement)		500,000
Farris v. State (settlement)		475,000
Pinion v. State (settlement)		475,000
Flores etal v. DOT etal (settlement)		23,225
D&J Ocean Farms, Inc. v. Pedro etal (settlement)		25,000
Morales v. DOT etal (settlement)		25,000
Cabrera etal v. State (settlement)		75,000
Misc		
Kathleen M. Gillett	1,379	
June S. Hashizaki	150	
DB Structured Products, Inc.	500,000	
Total Claims:	**7,515,626**	**1,598,225**

Consolidated Cases - Pflueger (settlement) $1,500,00.00

"These consolidated cases are a result of the Ka Loko Dam breach on March 14, 2006, resulting in a flood that caused the death of seven persons and damage to numerous parcels of property. The State was made a party based on the allegations of negligence by the Public Utilities Commission in regulating the irrigation system operator, by the Department of Land and Natural Resources in not inspecting the dam, and by the State of Hawaii generally as the landowner of the watershed above the dam allegedly having the responsibility of controlling the flow of water.

"The cases proceeded to mediation resulting in the global settlement among all parties. The State of Hawaii succeeded on having all allegations of liability dismissed except for the property above the private property on which the dam was located.

"The settlement agreement includes an assignment of claims of any rights, privileges, claims, or any other recourse the State may have pursuant to insurance policies that provide insurance coverage to the State arising out of the released claims.

McMillon, et al. v. State (Settlement) $610,000.00

"Two class action lawsuits were filed simultaneously relating to the Kuhio Park Terrace (KPT) and Kuhio Homes housing projects. The McMillon lawsuit was filed in federal court and involved federally protected civil rights, i.e., Americans with Disability Act, Rehabilitation Act section 504, and Fair Housing Act disability rights. The Faletogo lawsuit was filed in state court and primarily involved general living conditions at KPT and the alleged breach of lease and warranty of habitability. A class has been certified in the federal case. KPT is the oldest housing project in the State's federal inventory. Built in 1965, it consists of two 16-story towers and several two-story buildings. Built only a little later and contiguous to KPT is Kuhio Homes, which consists of several two story "town-house" style units. Both are considered part of the same project and are managed together.

"Large high-rise public housing projects have proven themselves to be a failed approach to low-income public housing and have been torn down throughout the United States. Because this is a United States Department of Housing and Urban Development (HUD) financed project, nothing can be done without HUD approval and HUD funds. The Hawaii Public Housing Authority has twice applied for a HUD "Hope VI" grant to raze KPT and both times the application was denied not for lack of merit, but rather for lack of available federal funds. Given their age, the buildings have become difficult and expensive to maintain. For example, the garbage chutes were designed as incinerator chutes and do not function well as collection receptacles. The elevators are obsolete and repair parts are no longer available; moreover, the original design of two passenger and one service elevator per building may have been adequate for a middle class apartment building, but are not adequate for public housing, resulting in frustrating waits and ensuing vandalism. The high concentration of residents has led not only to vandalism, but other crimes among the residents, which has increased the difficulty of maintaining the premises.

"This settlement was reached after extensive mediation with a federal magistrate and a private mediator. Of the settlement amount, $245,000 will go to residents of KPT as damages and/or "rent abatement"; the balance represents attorneys' fees for the plaintiffs' attorneys recoverable under federal statutes.

Cabanting, et al v. Po'ouahi (Settlement) $3,485,815.38

"The parental grandfather and the father of a now 15-year-old child alleged that employees of the Department of Education wrongfully failed to make mandatory reports of suspected child abuse after the minor's natural mother voluntarily had placed her with a caregiver. As a result, the minor was alleged to have suffered extensive and permanent injuries including brain damage from infections, loss of hearing in one ear, blindness in one eye, and the loss of her nose and upper lip and other injuries, the effect of which has left her unable to care for herself and unlikely to obtain employment. She was alleged to have needed some $481,000 in future cosmetic surgery and lifetime care.

"The State and its excess insurance carrier, Chartis Insurance (fka AIG), recently agreed to settle the Plaintiffs' claims for a total of $5,750,000. The

State's portion is its self-insured retention and deductible of $3,500,000 applicable for the year of this incident. (The State's self-insured retention was $3,000,000. Also, for the period when this incident occurred, there was a further deductible of 50 percent of the first $1,000,000 or any portion thereof in excess of the retained limit.) $835,470.96 is to be paid to the State as reimbursement for an outstanding Department of Human Services lien. (As part of the settlement, the State agreed to waive $50,000 of the outstanding DHS lien of $885,470.96). Thus, the State will, in effect, pay out a net amount of $2,664,529.04, and Chartis will pay approximately $2,250,000.

T.N. v. Department of Education, et al, (Settlement) $75,000.00

"The Baldwin High School girls' softball team on Maui alleged that the Department of Education (D0E) was discriminating on the basis of gender and denying the girls' team equal and adequate access to public recreational facilities in violation of their Constitutional and statutory rights, including Title XI of the Education Amendments of 1972, 20 U.S.C. § 1681 et seg. By providing equipment and facilities inferior to those provided to the Baldwin High School boys' baseball team. The Court found that the DOH had violated Title XI and granted Plaintiffs' request for a preliminary injunction. After intense negotiations, the parties reached an agreement that addressed virtually all of the Plaintiffs' concerns, including providing an adequate practice field and additional equipment. As part of that settlement, the parties agreed to pay Plaintiffs' attorneys fees of $75,000.

Brandt v. Department of Business, Economic Development & Tourism (Settlement) $80,000.00

"Claimant secured a judgment for temporary total disability, the amount for which continued to grow as Claimant's alleged disability endured and 1% interest also continued to accrue on that amount.

Clark v. State. (Settlement) $30,000.00

"Plaintiff suffered a recurrent dislocation of his left knee which he had injured earlier, and for which he had had surgery. As a result of this fall, he damaged an area of the knee that had not been damaged earlier and resulted in another new surgery.

Conley v. Mahuna, et al. (Settlement) $15,000.00

"Plaintiff Thomas Conley, Jr., a tenth grader at Hilo High School, was injured when a school security attendant (SSA) used force to confiscate a video camera from the Plaintiff. The Plaintiff alleged that the SSA used unreasonable force, slamming the Plaintiff onto a desk and the floor, injuring the Plaintiff's back.

Manalo v. Wells, et al (Judgment) $32,478.37

"The Claimant's vehicle was struck by a Department of Human Services' employee acting in the course and scope of his duties on December 4, 2006. The Claimant suffered damages as a result of the accident.

Henson v. State (Settlement) $30,000

"The biological parents of two minor children ages 9 and 6 years old allege that the Department of Human Services wrongfully removed the children from their family home and placed them in a temporary foster home. Department of Human Services allegedly conducted an untimely and incomplete investigation of child neglect complaints against the parents, and misrepresented, among other things, that three mental health professionals supported the removal of the children were removed from their home for a month, but subsequently returned when the three professionals disclaimed the support for the removal.

Ayala, et al v. Wilson, et al (Settlement) $50,000

"This case arises out of an alleged sexual abuse of a foster child by the adult son of foster parents. The Department of Human Services is alleged to have negligently placed the child in the foster home.

Kong-Guillermo v. Hefferman, et al (Settlement) $ 10,000.00

"A female inmate was sexually assaulted by staff at the Hawaii Youth Correctional Facility in1995 when she was housed there as a minor. This case was mediated by Keith Hunter of Dispute Prevention & Resolution, which resulted in settlement.

Perez v. Karr, et al (Settlement) $213,333.00

"A female inmate was sexually assaulted by staff at the Hawaii Youth Correctional Facility in 2002 when she was housed there as a minor. This case was mediated by Keith Hunter of Dispute Prevention & Resolution, which resulted in settlement.

Wolters v. Carroll, et al (Settlement) $213,333.00

"A female inmate was sexually assaulted by staff at the Hawaii Youth Correctional Facility in 2002 when she was housed there as a minor. This case was mediated by Keith Hunter of Dispute Prevention & Resolution, which resulted in settlement.

Toomey v. Karr, et al (Settlement) $ 13,333.00

"A female inmate was sexually assaulted by staff at the Hawaii Youth Correctional Facility in 2002 when she was housed there as a minor. This case was mediated by Keith Hunter of Dispute Prevention & Resolution, which resulted in settlement.

Hadley v. Torney, et al. (Settlement) 100,000.00

"This case involves. three claims made by Linda K. Hadley, the former nurse supervisor at the Hawaii Youth Correctional Facility (HYCF) alleging that she was subjected to emotional distress, retaliated against, and. forced to quit her job because she complained about issues related to the medical unit at HYCF & Hadley's workers' compensation stress claim was deemed compensable and her treating psychologist opined that Hadley could not return to work at HYCF.

Robinson v. Tripler Army Medical Center, et al. (Settlement) $12,000.00

"A DHS social worker had the runaway mother arrested at Tripler on the outstanding bench warrant and took legal custody of the baby. Among other claims, Plaintiffs alleged that taking custody of the baby violated their rights to make medical decisions on behalf of the baby. The United States District Court of Hawaii ruled in Plaintiffs' favor and held that DHS' seizure of the baby unconstitutionally terminated Plaintiffs' right to make medical decisions on the baby's behalf.

Roque v. Dickman, et al (settlement) $93,850.00

"Claimants were defrauded of their interest in property pursuant to forged deed. The parties who defrauded Claimants of their interest subsequently mortgaged the property. The mortgagee claims to have a superior secured interest in the property based upon the Land Court having issued a transfer certificate of title naming the defrauding parties as owners of the property.

Botelho, et al v. State (Judgment) $30,454.33

"Inmates at the Hawaii Community Correctional Center in Hilo were injured while the prison was being evacuated during a fire on July 24, 2004. The court awarded $30,454.33 to the inmates' attorney fees.

DeJesus, et al v. State (Settlement) $80,000

"This case involves the discharge of eight employees of the Department of Public Safety who were on workers' compensation leave for one year or more and had no foreseeable return to work date. Former Director of Public Safety John Peyton made the decision to discharge the employees to address staffing issues at the correctional facilities and to fill the positions with people who could work.

Flores, et al v. Department of Transportation (Judgment) $23,225.34

"A roll-up door at the Pier 3 warehouse at Nawiliwili Harbor on Kauai suddenly and unexpectedly came down and struck Claimant on the head while he was picking up freight from Young Brothers on August 4, 2005. The Claimant's alleged injuries include a closed head injury, cervical strain, right shoulder strain and impingement, and chronic and constant headaches. This case proceeded to the Court Annexed Arbitration Program. The arbitrator found the State 100% liable.

Ra v. State of Hawaii (Settlement) $39,500.00

"Plaintiff alleges that the State van rear-ended their vehicle and he sustained serious injuries as a result of the collision and the State filed a counterclaim against the mother. The State of Hawaii driver claims the Claimant's vehicle came to an abrupt stop in the middle of flowing traffic while the light was green.

"The case settled for $40,000.00 with the State paying $39,500.00 and the Claimant's mother paying $500.00.

Bartoleme v. Tagalicod, et al. (Settlement) $500,000

"Gilbert Bartolome lost control of his vehicle as he was completing the curve. The vehicle crossed the center line and into the path of Mark Tam's vehicle. The Tam vehicle struck the front passenger side of the Bartoleme vehicle. The collision prevented the Bartolome vehicle from going off the steep drop off. Christopher died as a result of injuries he sustained in the accident. His parents are the Plaintiffs. There were three prior accidents at this location involving single vehicles traveling in the same direction as the Bartolome vehicle during rainy weather. All three vehicles went off the steep drop off.

Farris v. State of Hawaii (Settlement) $475,000.00

"Plaintiff alleges that the State Department of Transportation was negligent in the design, construction, and maintenance of this portion of the freeway, and that the negligence resulted in Thomas Farris' vehicle hydroplaning. As a result of the accident, Plaintiff sustained severe injuries. The medical care costs to date exceed $210,000. Plaintiff's economist and the State's economist agree that the life care plan is between $1,340,000 and $2,170,000.

Pinion v. State of Hawaii, at al. (Settlement) $475,000.00

"This case arose out of a motorcycle versus motor vehicle accident that occurred on Maui on the highway between mile post marker no. 1 and Firebreak Road. The State's accident reconstruction expert estimated that the motorcycle was traveling at 100 mph at the time of the, collision. Edmund Akiona died from the injuries he sustained in the collision and Peggy Pinion sustained serious injuries to her left leg and left eye and other minor injuries. Although it is clear that Akiona was primarily at fault, there have been other accidents at this location making it likely that the State would be held to be jointly and severally liable with Akiona.

D&J Ocean Farms, Inc. v. Pedro (Settlement) $25,000

"D&J Ocean Farms operated an aquaculture farm on Molokai. D&J alleged that the State of Hawaii negligently designed and maintained a culvert running under Kamehameha V Highway located north of its property. As a result, runoff from the upslope property, including mud and debris, was diverted onto its property during rainy weather causing flooding and damage to D&J's aquaculture ponds.

Miscellaneous Claims:

Kathy M. Gillett - $1,379.31

"Claimant requests tax refunds for amended tax returns for 2003 through 2005. The legislative claim was filed with the Attorney General within six years from the date on which the claim for payment matured, within the period specified by HRS §37-77.

June S. Hashizaki - $150.00

"Claimant requests reissuance of an outdated check that was misplaced. The check when found was outdated and could no longer be cashed. The legislative claim was filed with the Attorney General within six years from the date on which the claim for the payment matured, within the period specified by HRS §37-77.

DB Structured Products, Inc. - $499,999.91

"Claimant requests reissuance of an outdated check that was never received. The legislature claim was filed with the Attorney General within six years from the date on which the claim for payment matured, within the period specified by HRS §37-77."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2661, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 124-10 and S.B. No. 2461, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2461, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. I rise again, in opposition because as you know I've voted a number of times against this particular bill. This is the bill that is the rental motor vehicle customer facility charge increase from $1 per day, to $4.50 a day effective September 1, 2010. That's about a 350% increase, Mr. Speaker. It also appropriates $72 million from the Rental Motor Vehicle Customer Facility Charge Special Fund to essentially build a tower in front of the United Airlines arrival area, across the street, and build it after the November 2011 APEC conference this year.

"The point is Mr. Speaker, this is a considerable increase and a hit to our tourism industry. Other destinations are being very competitive. This will not make us competitive, even though in the Finance Committee the proponents of the bill said that when these fees increase, business increases. And with the permission of the Chair of Finance we said, 'Could we have that data?' They said they had studies and Mr. Speaker, I'm still waiting for that, and unless the Chair of Finance has it, I don't think we ever got it. It was entirely counterintuitive to what generally is the case.

"Mr. Speaker, this $4.50 a day is only an opener because already through Hawaii Revised Statutes 251, there is a rental motor vehicle surcharge tax of $3 per day. So $3 plus $4.50, is $7.50 and then you add the GET tax on top of that. That gets pretty expensive. You haven't even gotten in your car yet. You're just starting out and you've got that high of a price already on your ticket. And if this doesn't make us less competitive, I don't know what will.

"Until I see the data, I remain unconvinced that the statistics can show that business will actually increase. I think we're 'cutting our nose to spite our face.' And Mr. Speaker, I oppose this piling on of taxes rather than delivering the goods at a fair price that it has been. And for these reasons this is job killer number 3, and it's not good for our economy. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I think the argument of the fee increase has some merit in the sense that normally when you travel to airports around the country and you have your rental car facility right next to the airport, normally the fees are more expensive than those that are way off property. And what they have found is that those that are way off property tend not to get as many renters as those that are actually on property. So I think the argument that with increased fees you'll probably get more business is a true argument.

"Because when people travel a long distance and they come out of the airport and they walk straight out and they see that the rental car facility is right there, available to them, it's a matter of convenience. They will go for the car. If they have to go a long way and wait for shuttles potentially coming, they may take a taxi. It's just a convenience thing.

"So I think this is really a good idea. I know personally when you walk out of our Honolulu Airport and you're looking for the rental car facilities with the signage, with the convenience, a lot of times it's so confusing. You can't really figure out where you're supposed to go, if there're rental cars. And I think this will be a huge improvement to our airport and be a job creation bill. Thank you."

Representative Souki rose in support of the measure, stating:

"Yes thank you very much, Mr. Speaker. This Facility Fund, it should be noted that it is a user fund. They're not attaching the Highway Fund to it, even though the car rentals contribute over $30 million a year to the Airport Fund. The $4.50 is needed to pay for the bond amortization for the total cost for putting up the centralized facility at the airport, and also provide some assistance to the Maui Airport for the overflow parking. It

will also purchase a piece of property on Kauai for their parking facility and to build a parking facility there. The total cost is going to come to about $500 million, and that includes both bonding and money that you get from the increase of the user fees.

"Now the Legislature will have an opportunity as the years go by, around 2014, 2015, if there is then surplus from this facility charge, then the Legislature can then, in its wisdom, lower the fee. But we need that fee now to pay for the bonding requirement and to satisfy the mortgage loan.

"Now it should be known that throughout other airport jurisdictions throughout the mainland, they all do the same thing, and they all need to have these user fees to pay for the facility rather than going through the general obligation bonds and having the state pay for it or the taxpayers pay for it. The users will pay for it and that seems to be reasonable. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I've risen on this particular measure or issue in opposition on numerous occasions. Today I rise with reservations. Thank you. I've been looking at this particular measure and I got some additional information from CATRALA, the rental car companies, and I do believe that the previous speaker is correct. This is the right thing to do.

"Other jurisdictions are doing it. In fact if we don't do it like this, I've learned that the price to the renters might be as high as $5, maybe $6. So if we don't start it now at $4.50, it's going to be much more expensive. In addition, the other jurisdictions I've been told in some places charge as much as $8.

"Finally Mr. Speaker, our '9th island,' also known as Las Vegas, just created a consolidated rental car area. And for those of you who have visited McCarran Airport recently, it's pretty awesome and I think that we need to in Hawaii do the same thing. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am voting no, but I won't say anything. Mr. Speaker, could you just note that in the Committee Report it shows me in the Committee and the vote is actually wrong. I missed that particular vote. I know you can't change the Committee Report, but I do want to note today that I was not present, and did not vote for it. Thank you."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations in support of S.B. 2461--Relating to Transportation. This bill amends the Hawaii Revised Statutes to raise the rental motor vehicle Customer Facility Charge (CFC) from $1/day to $4.50/day. The bill further seeks to appropriate funds out of the Rental Motor Vehicle Customer Facility Charge Special Fund for multiple purposes.

"While I, too, acknowledge the necessity of modernizing Hawaii's rental car facilities as essential to improving tourist numbers and overall satisfaction; as a result, any and all funds generated by the CFC increase must go directly to this purpose, and this purpose alone. However, I support this measure due to the fact the affected industry is one of the bill's main proponents.

"My other lingering reservation and concerns are the effect that this measure will have on tourism, our leading industry. Thank you."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. If I can adopt the words from the speaker from Wailuku, as well as just make a few comments about the $4.50 a day as the other Representative from Pearl City had made mention. There are a lot larger fees in other areas which are also travel destinations like Hawaii. So I think the State of Hawaii being as competitive with creating the additional infrastructure that we need.

"In addition, at a time where we need a lot of jobs, this project will also provide many jobs, as well as an influx of funds into our economy. So with that I'd just like to stand in strong support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2461, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Berg, Brower, Finnegan, Hanohano, Marumoto, Pine, Thielen and Ward voting no.

Conf. Com. Rep. No. 126-10 and S.B. No. 2534, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2534, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This has to do with relating to bail. Mr. Speaker, this is the one that we wanted the ability to accept bail 24/7 and require law enforcement agencies that have custody to accept these bails. The problem that took place at the Public Safety Department, they basically said that it was going to be very costly for them. How are they going to make it work?

"So what happened in CD 1 is it changed it from, 'people who have custody of a person,' to 'people who have arrest powers,' need to be able to accept bail 24 hours, 7 days a week. Well that may have helped PSD but what it does now is it creates a whole other problem in another area. And this is where DHS, Department of Tax, DCCA, DOCARE and the AG's Office would have to have the ability to accept the bail 24/7 just by changing the language of, 'having custody' in this particular bill.

"Like I said, this causes a whole different problem. It will still cost money and be not a very pretty picture for all of those different agencies who have to be able to accept bond bail 24 hours, 7 days a week. So I'll be voting in opposition. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2534, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Finnegan and Marumoto voting no.

Conf. Com. Rep. No. 129-10 and S.B. No. 2115, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2115, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This one has to do with relating to pre-audits for proposed payments for the University of Hawaii and the Department of Education. And it actually saddens me that I'll be voting no on this measure because I feel that I can support the University's ability to have this pre-audit ability.

"The problem that I have is with the Department of Education, Mr. Speaker. I think before we start making these changes and including the Department of Education, we have to really fundamentally look at doing a comprehensive financial audit that the Minority has been asking for, for a very long time.

"Now that that, not even a bill, that resolution is being passed, I still think that we know that the resolution doesn't have the force of law. So the possibility of it not being done and not really taking a look at how we need to hold accountable the Department of Education and their spending, that we're going to go ahead and pass this ability to them.

"Like I said, I'm saddened that I won't be able to support this bill that includes the University of Hawaii, but I guess that's the consequences of having both of them in this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2115, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Conf. Com. Rep. No. 130-10 and S.B. No. 2434, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2434, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. This has to do with relating to salaries. Mr. Speaker, just really quickly. I wanted to make note that I think that this bill did turn to the direction to make it better. What this does is, it's more performance based regarding any increase in pay for not only the Superintendent, but other leadership within the Department of Education. So I just wanted to note that I do have reservations on it, but no longer am I a no vote. I think this is heading in a better direction. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2434, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Awana, Carroll, Manahan, Marumoto, McKelvey, Thielen, Wooley and Yamane voting no.

Conf. Com. Rep. No. 131-10 and S.B. No. 2885, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2885, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in favor of this measure that establishes Health Savings Accounts Assessment Task Force within the Department of Labor to evaluate the current state of health savings account options in Hawaii's health insurance market and explore ways to expand access to these accounts.

"Health savings accounts are a good idea because a high deductable policy can reduce premium costs and encourage a policy holder to use health care services more efficiently. There are numerous benefits, but I will simply request that this article from *Managing Your Money* be inserted in the Journal as my contribution. It's entitled: The Benefits of Health Savings Accounts, with your permission, Mr. Speaker. Thank you."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise to speak with reservations to SB 2885 SD2 HD1 CD1. This bill establishes the Health Savings Accounts Assessment Task Force within the DLIR to evaluate the current state of health savings accounts options in Hawaii's health insurance market and explore ways to expand access to these accounts in Hawaii.

"Health savings accounts are a good idea because a high deductible policy can reduce premium costs and encourage the policyholder to use healthcare services more efficiently."

Representative Marumoto also submitted the following article:



Managing Your Money

Personal finance advice

From local finance experts

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SAVING, TAXES

The benefits of Health Savings Accounts

E-mail|Link Posted by Cheryl Costa April 15, 2010 05:46 PM

In recent years, Health Savings Accounts, or HSAs, have become more and more popular. But what exactly are they and what are the benefits of having one?

HSAs are IRA-like accounts that are used in conjunction with high deductible health care plans. (A high deductible health care plan has a deductible of at least $1,150 for singles and $2,300 for families.) If you have a high deductible health plan, you are eligible to contribute to an HSA. The contribution limits are $3,050 for individuals, $6,150 for families and $7,150 for people who are 55 or older and signing up for a family plan. Money contributed to the account is tax deductible, earnings on the invested funds are tax deferred and withdrawals are tax-free if they are used to pay for qualified medical expenses.

Typically, someone would sign up for a high deductible health care plan and simultaneously make either a lump sum contribution to the HSA or sign up for monthly deposits. Money deposited into the HSA can be used to meet any medical deductibles and expenses you might have throughout the year.

With any luck, your medical expenses will be low and you won't need to spend all the money that accumulates in your HSA. Funds left in the HSA can stay there for years. In fact, many people establish HSAs with the intent to never use the funds in the account. In this situation, contributors plan to pay any and all medical expenses out of pocket. This allows them to accumulate substantial assets within the HSA. If money is left in the account for years or even decades, you could have a nice retirement nest-egg in place. And once you turn age 65, you can take withdrawals from the account without any penalty. (Ordinary income taxes would still be due but there would be no penalties.) If you use HSAs in this manner, it is like being able to make a double contribution to an IRA. One other point to note: money invested in HSAs is generally invested in low yielding money market accounts but there is nothing preventing you from investing your HSA funds in equities and really building up the account over time.

At 5:03 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:04 o'clock p.m.

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support. I would like the words from the Representative of Kahala – Kaimuki. It's one of the few times I can insert her comment as my own. And brief comments in support.

"We did put in members from the Bank Association, as well as the Credit Union Association to look at this issue, as well as Health Information. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In strong support. And may I have the comments of the two previous speakers, the Chair of Health and the Representative from Kahala entered into the records as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in support of the measure, stating:

"Thank you, just in strong support of Conf. Com. No. 131 as well. This is something that I know has been in discussion for years, and we've been proponents of it here I know on this side of the aisle for many years. So I'd like to ask for the remarks of the Representative of Kahala to be entered as my own, and addition written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of S.B. 2885. I believe that Health Savings Accounts (HSA) are a health plan option that may be attractive and beneficial to many individuals in Hawaii and thus would support the formation of a task force to explore the ways in which HSAs could be expanded as a health insurance option for the citizens of Hawaii.

"The rapidly rising cost of health care is crippling businesses, forcing layoffs and reductions in pay. It is important that businesses and healthcare consumers have access to all health plan options in order to bring down cost and increase quality of care. Allowing consumers the option to enroll in a Health Savings Account is one step that can be taken to bring down the cost of healthcare, encourage healthier lifestyles, allow for more patient and physician control of health care decisions and save money for employers and employees alike. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2885, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," passed Final Reading by a vote of 51 ayes.

At 5:09 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2661, SD 2, HD 2, CD 1
S.B. No. 2461, SD 2, HD 2, CD 1
S.B. No. 2534, SD 2, HD 1, CD 1
S.B. No. 2115, SD 1, HD 2, CD 1
S.B. No. 2434, SD 1, HD 1, CD 1
S.B. No. 2885, SD 2, HD 1, CD 1

At this time, the Chair stated:

"Members, please note on page 21, Conference Committee Report No. 139-10, HB No. 1948, HD 1, SD 1, CD 1, will be deferred one legislative day, which is tomorrow."

Conf. Com. Rep. No. 139-10 and H.B. No. 1948, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 133-10 and S.B. No. 2951, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2951, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you. I just wanted to be first out of this starting gate, Mr. Speaker. I'm rising to speak against Senate Bill 2951 and that's Conf. Com. Rep. No. 133. Mr. Speaker, I'm speaking against it because it places cattle over renewable energy projects. The two can coexist without providing more favorable treatment to the cattle ranchers than is provided to any other entities on leased State land. It lets cattle trump green energy.

"I just wanted to say a few things from the Department of Transportation. 'Under federal law,' the Department of Transportation stated, 'the owner of rural property rights, such as a lease, shall be reimbursed for all reasonable expenses the owner incurs including recording fees, transfer taxes, prorated share of any prepaid property taxes, and moving and reestablishment costs.'

"This bill creates a conflict with federal law. What it does is, it says the State says those cattle ranchers can recover more than they are allowed to under federal law. If the ranchers are not going out of business, that's the in lieu payments referred to, going out of business costs. And if the ranchers are not going out of business, this expense could not be paid. The Department of Transportation just said plainly, 'Under federal regulations we need to reimburse based upon receipts and justification.'

"In the Governor's Message on the same bill of last year which she vetoed, she said that it was objectionable, and it disproportionately and inappropriately compensates the lessees of public lands above other lessees of State lands.

"There's another problem with this bill that's going to impact renewable energy projects. The automatic extension circumvents the authority of the Board of Land and Natural Resources and hinders its ability to ensure that public lands are used for the highest and best public use. Now, your best public use today is a lot different than it was when those ranching leases were granted. Your best public use today, in many instances, is for renewable energy projects. To create jobs, green jobs in our economy, and get us off our unbelievable dependence on fossil fuel.

"So I go on with the Department of Land and Natural Resources where this would require the State to provide unprecedented additional levels of compensation in the form of hypothetical future income losses relating to breeding livestock under some circumstances. And the Department of Land and Natural Resources goes on, 'State law already provides clear safeguards for tenants and terms for leasing public lands. Chapter 171 HRS, ensures transparency and fairness in the disposition of State assets, and most importantly to guarantee that State land resources will be available when needed to meet the greater public safety and other public needs of all of Hawaii's residents.'

"'The Department points out that the existing tenants were aware of these provisions, willingly entered into leases with the State under these conditions, and received rent well below the market rate; in many cases for decades due to these provisions.'

"And I would note the many times that our Big Island Representative has stood up and said, did they read the lease? Did they agree to the terms? And he has stood up and said that numerous times. This is another instance where now, these lessees are coming in and saying they want more favorable terms, more favorable payment, than any other State lessee. And that their use takes precedent over the renewable energy projects that we need to implement to move our State forward to energy independence.

"The DLNR goes on, 'It would be in direct conflict with basic contract law and the general State welfare to now pass a measure that requires the State to provide extraordinary and unprecedented compensation to such tenants.'"

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Thank you, Representative Ching. Thank you. 'These lessees have reaped the years of benefit from below market rates. Indeed to take such action at a time of great economic downturn and when the Legislature is looking to departments to maximize State revenue, is downright puzzling.'

"I will read one more section from the DLNR testimony, 'While providing limited preferential terms for the disposition of public lands for certain types of activities such as agriculture, renewable energy, government projects, industrial parks and utilities, is well established in statute based on policy considerations. The State's right and responsibility to withdraw portions or all of the leased lands for a greater public purpose has never, and should not ever be compromised.'

"That's what this bill does. It compromises that Mr. Speaker, and I think the bill is unwise, unprecedented, and I vote no."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of Conference Committee Report 133-10, Senate Bill 2951, Senate Draft 2, House Draft 2, Conference Draft 1. Mr. Speaker, the purpose of this measure is to provide for fair compensation when leased public land for agricultural or pastoral uses is withdrawn, condemned, or taken for public purpose.

"Mr. Speaker, this bill was introduced specifically to address an issue on the Big Island where cattle ranchers suffered serious financial losses as a result of the Saddle Road Widening Project. The Department of Land and Natural Resources established a conservation easement on leased lands, effectively preventing the ranchers from being able to use the leased land for their cattle herds, which required our local ranchers to reduce their herds at a significant loss. This jeopardized the lessees' entire business model because the ranchers were unable to mitigate long term fixed costs associated with operating a ranch in the way they had anticipated when the lease was negotiated.

"Current law provides for rent reductions if the land withdrawn causes the land to become unusable for the specific use or uses for which it was originally leased. However, the law provides no other method of compensation. In addition, ranchers are required to maintain insurance and pay taxes for land they cannot use for the specific purpose for which it was originally leased.

"The current system leads to uncertainty and risk for our agricultural and ranching businesses. When the State withdraws land from these leases, the lessees can face serious financial consequences, and these uncompensated losses can drive our agricultural and ranching operations out of business.

"No business that invests significant amounts of capital and plans its business to operate at a certain size should be subject to a major change in the size or term of their lease part way through the lease agreement. By providing fair compensation for improvements or loss revenue when lands are withdrawn from a lease, this bill will help our agricultural and ranching businesses recoup their out-of-pocket or expectation losses incurred when lands from leases are withdrawn.

"As the Hawaii Cattleman's Council testified before the Committee on Water, Land, and Ocean Resources, 'A rancher that loses grazing land can't just load up his cattle and head to the nearest livestock auction and get a high breeding value for his cattle. At best, the rancher can only get a much lower slaughter value and that is only if a local slaughter house can fit them into their schedule on a timely basis.'

"Mr. Speaker, another reason I support this measure is because many lenders are reluctant to provide financing to our ranchers and farmers since land from the pastoral leases can be so easily withdrawn with no compensation. This clearly creates risk for these lenders. Therefore, if we provide compensation for out of pocket and expectation losses, lenders will hopefully have further insurances that their loans are secure, incentivizing lenders to provide loans to our local ranching and farming businesses.

"While some might argue that this bill pits the interest of agricultural against those of renewable energy facilities, these are not opposing priorities. This bill only provides lessees with fair and reasonable compensation for improvements and lost revenue in the case of lands being withdrawn for a long term lease, and does not prevent the usage of lands for renewable energy facilities even if those lands are currently being used for agricultural or ranching purposes. For these reasons Mr. Speaker, I stand in support. Thank you."

Representative Thielen rose to respond, stating:

"Thank you. I'm still opposed and let me just go on and respond to a few of the issues raised by the prior speaker. Mr. Speaker, she's talking about the instance where I believe it was the Palila Critical Habitat Mitigation Lands Easement that was placed on certain pasture leases on Maunakea. DLNR staff researched the real property taxes lessees pay on the easement areas and determined that the amounts were negligible.

"The County Rural Property Tax Division classifies the easement areas as waste with the result that the total annual real property tax on 2,226 acres easement area under one lease was, guess what: 84 cents a year. That's all the rancher had to pay. If an easement allows a lessee to continue beneficial use of easement area, then it is not unreasonable to require the lessee to bear nominal costs of insurance for that property that the lessee is continuing to use.

"About the breeding stock, that the animals can't be relocated or marketed. The lessee would normally have one or two years more notice of an impending taking of leased land. Accordingly, the Department believes that a pasture lessee would have ample time in that one or two years to plan for the relocation or sale of livestock, and that the proposed amendments in this bill would only encourage damage claims against the State. We earlier passed a bill that we had to pay damage claims against the State. This bill passes, and you're going to see those claims galloping to the Legislature for the next Legislature to have to act upon. Thank you."

Representative Ito rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, in Conference we used Senate Bill 2951, SD 2, HD 2. But in Conference Committee, we went back to Senate 2951, SD 2. So I think the previous speaker is talking about the HD 2 and not the SD 2. Thank you."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, I still have concerns with a different portion of this bill, but I'd just like vote with reservations. Thank you."

Representative Thielen rose and stated:

"Just a point of clarification. I'm talking about the Conference Draft."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2951, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and with Representative Ching being excused.

Conf. Com. Rep. No. 136-10 and H.B. No. 2775, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2775, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 50 ayes, with Representative Ching being excused.

Conf. Com. Rep. No. 141-10 and H.B. No. 2583, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2583, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, just with reservations. I believe that this bill could have some constitutional problems. Thank you."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of the measure. The purpose of this bill is to ensure the safety of ocean recreation by banning shark feeding in State marine waters. Last year the issue of shark feeding came up, very up-close and personal in my district. Over 300 angry, frustrated, they didn't have pitchforks or torches, but they were really upset about what was going on in Maunalua Bay.

"A very zealous young man started chumming the waters because he was planning to do a shark tour business right in Maunalua Bay where some of you may swim, kayak, fish, ski, etc. Because shark feeding requires chumming or throwing blood, or bait into the water to attract sharks, the practice of doing this in our State waters where ocean activities perhaps is the number one form of recreation. It represents a severe hazard to all in the water. Surfers, swimmers, paddlers, skiers and the like.

"The risk that shark feeding presents is not a temporary one either, Mr. Speaker. Repetitive shark feeding is believed to result in changes in shark behavior and oceanographic deployment. In short, shark feeding causes them to take over areas that ordinarily they would not be in. I know Mr. Speaker, there's a lot of claims and counterclaims about the Pavlovian response is true. The other side says it is not true. Here's the data. The data is very sketchy. The research has been far and in between, but basically it's the way fishermen determine where they fish. You fish where the fish are. And I think that's the conclusion that many people who think that we should be very careful about public safety have rested their case.

"The precedent that this type of legislation is legal or constitutional is that there have been bans already on the feeding of wild animals. Federal law for example Mr. Speaker, governs the areas of oceans from three miles out and beyond, to 200 miles. It forbids the feeding of sharks already. Florida for example also bans the feeding of sharks in their state waters as in Alaska, Arizona and California, where laws are in place to prohibit the feeding of animals because of the danger of changing their feeding patterns.

"Mr. Speaker, this is an outstanding opportunity to ensure the safety of our people and the confidence of our visitors. I encourage my colleagues to support this measure because we already have feeding laws, and the major problem is that these laws are not being enforced. Essentially because the present fines prior to this bill were so small, they were not worth complying with or enforcing. In the discussions with my community through surveys and town hall meetings, it seemed that the major concern was a lack of compliance and enforcement.

"Banning shark tours altogether however, would have been very rash and I'm very pleased that this bill is very reasonable, and it tells our tour operators that you are welcome to operate your business if you are following the rules. Bottom line Mr. Speaker, no chumming or feeding of the sharks.

"And I know because of your district this is very upfront and personal to you. Because if they do chum or feed the sharks, now there are fines that begin at $5,000, up to $15,000, and even more seriously the impoundment of their vessel.

"Bottom line Mr. Speaker, now it's all about enforcement. No law, no penalty, no threat will ever be worthwhile no matter what we pass in this Body unless there are enforcements. Lastly Mr. Speaker, may I add comments into the Journal. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of HB 2583. The purpose of this bill is to ensure the safety of ocean recreation by banning shark feeding in state marine waters.

"Last year, the issue of shark feeding as it pertains to public safety was one of the biggest issues to face my district. In April of 2009, over three hundred angry East Honolulu residents met in Hawaii Kai at a town hall meeting I hosted to discuss the proposed feeding of sharks in Maunalua Bay. Although we managed to stop the tour from opening in Hawaii Kai, the situation opened our eyes to the dangers presented by shark tour operators who break the law by feeding sharks.

"During the interim between the 2009 and 2010 Sessions, I went door-to-door, passed out surveys and held an additional town hall meeting to determine where my community stood with regards to legislation that would ban shark tours. The responses were very mixed, some members wanted to ban shark tours because of their feeding practices and others balked at the idea of shutting down a business. As a compromise, I presented the community with legislation that would tighten existing feeding laws by imposing increased penalties including a $140,000 fine and the forfeiture of equipment including the tour operator's vessel. At the August town hall meeting where I proposed this legislation, most of the community confirmed that the real problem was conformity with the shark feeding laws rather than the tours themselves. So, while others pursued shutting down the tours entirely, I pushed to stop their feeding practices because I felt it was more in keeping with the will of my community.

"Mr. Speaker, it gives me great pleasure to have seen this bill come before us because it fits so closely with what many members of my community called for. That is, increased penalties for illegal shark feeding practices, a greater incentive for DLNR to enforce the rules and allowing tour operators to continue entertaining tourists and bringing valuable dollars into our State if they are willing to follow the law.

"Mr. Speaker, I also want to commend all the members of my district who worked to get this legislation passed. I recognize that it is not everything that everyone wanted, but as I said, I think it represents a compromise that gets us closer to a safer Hawaii."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this. In addition to that I wish to thank both Chambers for putting this legislation through because as the Representative from Hawaii Kai just shared, we share the same district, and many of us even though we represent inland districts, all of us are subject to the dangers of the water. So thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2583, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Final Reading by a vote of 50 ayes, with Representative Ching being excused.

Conf. Com. Rep. No. 144-10 and H.B. No. 2133, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2133, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 50 ayes, with Representative Ching being excused.

Conf. Com. Rep. No. 148-10 and H.B. No. 2542, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2542, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2542, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Marumoto, Pine and Thielen voting no, and with Representative Ching being excused.

At 5:31 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2951, SD 2, HD 2, CD 1
H.B. No. 2775, HD 2, SD 2, CD 1
H.B. No. 2583, SD 2, CD 1
H.B. No. 2133, HD 1, SD 1, CD 1
H.B. No. 2542, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 149-10 and H.B. No. 2318, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2318, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2318, HD2, SD1, CD1. On any given day, you can move around our communities and a common sight you will see is homeless or houseless individuals or families. If you open the newspaper, the favorite topic of the day is the misery of the homeless or how these homeless individuals skirt State law or county ordinances.

"Mr. Speaker, homelessness is a huge problem, not just on Oahu, but in our entire State.

"HB 2318 is the adoption of the Housing First model. This is a model with proven results in eight different cities across the mainland. This measure will address those 20% of the homeless population who are least likely to attain sustainability, or even admitted into homeless shelters or public housing. This program specifically targets those who are mentally ill or drug addicted; the subset of the homeless population who are chronically homeless because of their mental illness or drug addiction. It is this segment that can be dangerous to society. By stabilizing the lives of these chronically homeless individuals, we are therefore promoting safety for all of us.

"This homeless program helps us as members of the general population by keeping our communities clean, safe, and most importantly, removes the blight that may be brought upon our communities by these types of individuals.

"We need to help this population Mr. Speaker, because by helping them, we are helping ourselves."

Representative Pine rose to disclose a potential conflict of interest, stating:

"I'm sorry, Mr. Speaker. I just wanted to declare a potential conflict. I occasionally work for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2318, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 150-10 and H.B. No. 2000, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2000, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Karamatsu rose to speak in support of the measure, stating:

"In support. I would like to insert written comments and I just wanted to thank the Finance Chair for working with me on this budget, as well as addressing appropriations for the specialty courts which will save the State money in the long run and also turn these individuals' lives around and can make a comeback in their life. Thank you."

Representative Karamatsu's written remarks are as follows:

"Mr. Speaker, I am in favor of House Bill 2000 House Draft 2, Senate Draft 2, Conference Draft 1, which provides the Judiciary with supplemental appropriations and authorizations for its operations and capital improvements for fiscal biennium 2009-2011 by amending the Judiciary Appropriations Act of 2009.

"Dramatic reductions of projected State revenue have resulted in a $1,200,000,000 budget gap through the end of the current fiscal biennium. In response, the Governor restricted fiscal year 2009-2010 Executive Branch expenditures by an amount equal to 13.85 per cent of payroll and proceeded to reduce the supplemental budget request of Executive Branch agencies for fiscal year 2010-2011 by a similar percentage. This amount is based on the projected savings that three furlough days per month would accrue. Though the Judiciary officially requested that its general fund budget for fiscal year 2010-2011 be maintained at its current appropriation level, a similar reduction to the Judiciary's budget would be approximately $12,000,000.

"To reflect the Judiciary's two-day per month furlough savings in a manner comparable to that of other State agencies, the Judiciary budget was reduced by a total of $8,000,000 in general funds as calculated by the Department of Budget and Finance. An additional lump sum reduction of $1,500,000 was imposed to allow the Judiciary to allocate this reduction in accordance with its priorities. The total reduction, which is significantly smaller than that imposed on most other State agencies, affirms that, on a statewide level, the Legislature has prioritized the core responsibilities of the Judiciary.

"Additionally, the Legislature was persuaded by the case made by Judiciary officials and others for specialty courts; that the cost of incarcerating individuals far exceeds that of enrolling them in these programs and that recidivism is markedly decreased for those participating in these programs. Information provided indicates that the annual cost for 387 adult inmates to participate in the Adult Drug Court is $3,100,000, while the annual cost to incarcerate these same inmates is in excess of $19,600,000 ($139 per day, per inmate or $50,735 per year, per inmate).

"Similarly, the annual cost for 68 youth offenders to participate in Juvenile Drug Courts is approximately $1,000,000, while the annual cost to detain these same juveniles is approximately $6,590,000 ($278 per day, per offender, or $101,470 per year, per offender).

"Significant savings are also realized under the Hawaii's Opportunity Probation with Enforcement ("HOPE") program, which costs approximately $1.82 per day, per probationer, versus $139 per day per inmate.

"In acknowledgement of the arguments made and the information provided by the Judiciary, $1,300,000 has been provided for the Judiciary's specialty courts. The Legislature will review future data affirming the cost effectiveness of these programs.

"In total, this measure appropriates $130,730,624 in general funds and $141,747,129 in all means of financing for the fiscal year 2010-2011 operating budget of the Judiciary.

"In 2006, the Legislature appropriated funds for master planning for capital improvements and other physical facilities-related projects for the Judiciary. This plan is anticipated to be completed during the summer of 2010. The completion of the master plan will assist the Judiciary, as well as the Legislature, in better understanding the future needs for new facilities and for repair and maintenance projects within the Judiciary's purview. Additionally, this information will prove valuable in assessing short- and long-range funding needs, as well as the ability of the Judiciary to execute and complete the work determined necessary under this plan.

"Consequently, given the strained economic climate and the fact that it would be prudent to review the master plan before proceeding with further funding as requested, the Legislature has provided no additional capital improvements program funding to the Judiciary for fiscal year 2011.

"Given the fiscal constraints the State of Hawaii is facing, I am pleased with the supplemental appropriations for the Judiciary, which supports necessary services for the people of Hawaii. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in support of this measure. This bill is the Judiciary's supplemental budget, and the most important feature of this budget is the appropriation of $1,300,000 for the specialty courts and essential ancillary services. These courts have a proven track record to reduce recidivism which in turn reduces crime and ultimately saves taxpayers money. In particular, the Hawaii's Opportunity Probation with Enforcement (HOPE) program is the first of its kind in the nation and is being used as the model for other similar programs across the country.

HOPE has received national attention in such publications as *The New York Times* and *Governing* magazine. These results have been verified by Dr. Angela Hawken, a professor of economics and policy analysis from Pepperdine University. She should be publishing her final results soon, but the preliminary information is still very compelling.

"Some of the statistics for the HOPE program are quite startling:

- Less than fifteen percent of participants in treatment had a negative perception of the HOPE program;
- The percentage of probationers rearrested in the HOPE program is 21% versus 47% in the control group;
- Positive urine test results are 13% in the HOPE program versus 46% in the control group; and perhaps most dramatically,
- It costs the State $139 per day to incarcerate an individual. The HOPE program costs $1.82 per day, a tremendous cost avoidance.

"Mr. Speaker, I want to take a few moments to express my sincere gratitude and appreciation for the Chair of the House Judiciary Committee, Representative Jon Riki Karamatsu. From his days as a legislative assistant for Representative K. Mark Takai and Senator Carol Fukunaga in the late '90s and early 2000s, Representative Karamatsu became a Member of the House of Representatives in 2002. Over the years, I have watched him grow both personally and professionally and develop into a thoughtful, determined, and compassionate leader.

"As the Chair of the Judiciary Committee, he has conducted public hearings and passed various pieces of noteworthy legislation. A brief overview of some of the important legislation approved during his tenure as the Chairman of the House Judiciary Committee is listed as follows:

- Strengthened the existing Penal Code laws to make the use of a simulated firearm during a robbery in the first degree and while committing an act of terroristic threatening in the first degree.
- Extended the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union.
- Extended the "sunset" date of Act 192, Session Laws of Hawaii 2008, which makes habitual solicitation of prostitution a criminal offense, to June 30, 2012.
- Updated, organized, and clarified current campaign financing laws.
- Prohibited the use of leaf blowers on or near residential zones, except within allowed time periods.
- Established class A and B felony sexual human trafficking offenses. This includes sexual human trafficking offenses in the official proceedings or investigations that are to be given greatest priority for purposes of witness protection programs.
- Established the crime of intentionally or knowingly taking of a Hawaiian monk seal as a class C felony.
- In medical tort litigation, authorized the court to impose sanctions on a non-prevailing party whose rejection of the Medical Claim Conciliation Panel's decision resulted in the subsequent litigation.
- Addressed the illegal importation, sale, and transfer of fireworks by including samples in the definition of "fireworks" and establishing nuisance abatement and forfeiture actions to discourage those illegal activities.
- Established an illegal fireworks task force to stop the importation of illegal fireworks and explosives. This measure would also allow counties to enact ordinances regulating fireworks that are more stringent than State law regulating fireworks.
- Mandates were created to require a person convicted of criminal property damage involving graffiti to remove the graffiti within 30 days of sentencing and to perform community service removing graffiti from within 100 yards of the site of the offense.
- Established rules to determine which state has jurisdiction in adult guardianship and conservatorship cases where person has contacts with more than one state.
- Established a comprehensive child abduction prevention law.
- Strengthened Hawaii's animal cruelty laws by passing legislation that created an offense of confinement of a dog by tethering under prescribed circumstances with certain exceptions; and legislation that would require veterinary care for pets and require certain standards for pets kept in kennels or cages.

"And finally, Representative Karamatsu was also instrumental in the establishment of Peace Day ceremonies here in Hawaii, held every year on September 21st. Peace Day was implemented to promote peace programs, improve international relations, and increase educational awareness of peace.

"Through it all, Representative Karamatsu has displayed genuine concern for all points of view and the fortitude required to be a Chair of a very contentious Subject Matter Committee. He leaves this Body with a substantial list of accomplishments and his time in service will benefit the State of Hawaii for years to come. I wish Representative Karamatsu the best in his future endeavors and a fond aloha."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 152-10 and H.B. No. 2698, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2698, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and short comments. Thank you, Mr. Speaker. This is the broadband bill. I understand that the issue of broadband and a bill moving forward has been kind of controversial. But I did want to say although I do support this bill, it doesn't take care of the major obstacles in which I would hope that a broadband bill would take care of. But in the meanwhile this bill is okay. Thank you."

Representative Yamashita rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. Very quickly, this bill is a good example of how sometimes bills evolve. Four years ago, the Chair of Finance came up with a bill to address internet service throughout the whole State. It evolved into the broadband bill, and then it evolved into the Broadband Task Force, and then evolved into a bill that was 60-something pages thick. Through discussions with the community and what this bill would actually do, it kind of narrowed into something that we have before us today. I think it is a good compromise going forward, and I would like to put additional comments into the Journal. Thank you."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2698. In 2007, the Legislature established a Hawaii Broadband Task Force. The task force developed a long-term, statewide strategy to offer affordable internet access. They also identified opportunities for increased broadband deployment and very high speed broadband services. HB 2698 implements these recommendations.

"The purpose of HB 2698 is to ensure access to broadband communications for all, and to increase availability of advanced broadband services at an affordable cost. It also increases access to public rights-of-ways for broadband service providers and brings the counties together to develop a streamlined permit approval process to reduce the cost of infrastructure.

"This measure allows the Legislature to establish a Broadband Advisory Council. This Advisory Council will be responsible to monitor broadband development efforts, activities at the federal level and offer regulatory and policy advice to the Department. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2698, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 153-10 and S.B. No. 2849, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2849, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. This is a bill having to do with the Hawaii Employer Union Health Benefits Trust Fund, a very important bill. And as you know Mr. Speaker, the Governor had sent down a letter requesting that we look into this one million dollars lost per month on the EUTF.

"Mr. Speaker, what this bill does, half of it is really good. It talks about the voting and maybe a way that we can get out of this stalemate that we're at. But the other half of the bill actually bypasses the allotment process where you would actually have the Governor be in that process. It goes around that.

"And number one, I feel that this does set a precedent that we should not set. And number two, I believe that by doing that it is unconstitutional and that we will have some problems with this bill. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm with reservations for the same reason. I believe that the portion that mandates that the Governor and Director of Finance release the money not being subjected to the allotment process would be unconstitutional. So we would be passing a bill that would not be upheld. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker. I rise in support of this bill. Just a couple of points that need to be made. Regarding the section of the bill that deals with Chapter 37, this requires all the appropriations made by the Legislature to the EUTF which is transferred to the Budget and Finance Department shall be transferred directly to the Employee Union Trust Fund, and not be subject to the allotment procedures under Chapter 37 HRS, or subject to the powers granted to the Governor and the Director of Finance under Section 37-32, to 37-41, Hawaii Revised Statute.

"A second point needs to be made that it changes the voting requirements to allow the public employer, and employee beneficiary trustees to vote individually rather than a block as under the current law.

"And number three, it provides that all contributions and premiums to the EUTF be for the exclusive use and benefit of the EUTF employee beneficiaries and dependent beneficiaries, and not be subject to appropriations or transfers for any other purpose.

"The reason why this provision is so important is that several years ago when the Legislature made its appropriation to the EUTF through Budget and Finance, those moneys were taken out of Budget and Finance and used to address some of the homeless concerns on the Leeward Coast without the legislative approval or agreement with that expenditure. It was about $40 million. Going back to that point in time, there may have been concerns about what that money was not used to address the current reserves requirements in the account. So that's what that provision is there for, to ensure that the moneys that we appropriate go towards its intended purpose, strictly for the EUTF Fund, both for the employer and for the employees. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2849, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Final Reading by a vote of 51 ayes.

At 5:39 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2318, HD 2, SD 1, CD 1
H.B. No. 2000, HD 2, SD 2, CD 1
H.B. No. 2698, HD 2, SD 2, CD 1
S.B. No. 2849, SD 2, HD 1, CD 1

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried:

H.B. No. 840, HD 1, (SD 1)
H.B. No. 2003, HD 3, (SD 2)
H.B. No. 2083, HD 1, (SD 2)
H.B. No. 2721, HD 1, (SD 1)
H.B. No. 2129, HD 1, (SD 1)
H.B. No. 2708, HD 1, (SD 1)

The Chair addressed the Clerk who announced that the record of votes for said measures had been received which indicated that a quorum was present at decision making, and that the requisite number of House Conferees appointed had cast affirmative votes to report said measures to the Floor.

H.B. No. 840, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 840, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Karamatsu, B. Oshiro and Thielen). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 840, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

H.B. No. 2003, HD 3, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2003, HD 3, on the following showing of Ayes and Noes:

Ayes, 4 (Karamatsu, M. Oshiro, Luke, B and Oshiro). Noes, none. Excused, 1 (Marumoto).

Representative B. Oshiro moved that H.B. No. 2003, HD 3, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with some slight reservations on House Bill 2003, Senate Draft 2. Thank you Mr. Speaker, I stand in support of this measure, particularly because it is the culmination of the work of the Campaign Spending Commission's Blue Ribbon Committee that looked at recodifying, updating, clarifying and improving the overall campaign spending law. But as we well know, there is a shift going on right now in the way that money is being spent in elections both at the federal and state levels. So as we all know also very well, campaign finance laws are going to be continued works in progress.

"There are a few areas that this bill does not address that did not fall into the arena of the recodifciation process, but I would hope that future legislatures will take these up. Things like looking at how corporate treasuries are able to have the same participation rights in donating as natural persons under the new Citizens United Case Law that's coming down from the US Supreme Court.

"This bill also has areas of not providing enough transparency for independent expenditures of corporations that should also be revisited at some point in the future.

"And finally, this bill does weaken some existing laws by increasing the cap on contributions from the mainland, as well as allowing additional funds to be used for the seating of the community by candidates.

"So Mr. Speaker, because of these areas that are fruitful for future improvement, I will be voting with reservations on this bill. Thank you."

Representative Karamatsu rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I would like to insert written comments. I also would like to insert three letters into the Journal. The first letter stating that we accept the Senate Draft 1, from the Campaign Spending Commission.

"Upon that letter our office found mistakes in references, and then a second letter saying that they would not enforce those mistakes.

"And a third letter, a letter from myself accepting their offer to not enforce the misstated references, and in my consideration reliance, I passed SD 1. Thank you."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The campaign finance laws, codified in Chapter 11, subpart B of part XII, Hawaii Revised Statutes (campaign finance laws), are unorganized, difficult to read, and inconsistent in some areas, due to the numerous amendments that have been made to these laws over the past thirty-seven years. To address these concerns, the Campaign Spending Commission's Blue Ribbon Recodification Committee (Committee) reorganized the existing campaign finance provisions in the campaign finance laws, by dividing long sections into shorter sections with clear titles for quick reference and group laws on one subject together, among other things. The product of the Committee's work was introduced during the 2009 Regular Legislative Session. That measure, House Bill 128, Conference Draft 2 (2009), was passed by the 2009 Legislature, but was subsequently vetoed by the Governor.

"The Commission then met with the Governor's staff to discuss the reasons for the veto. The Commission submitted testimony earlier to your House and Senate Judiciary Committees, stating that two concerns remained unaddressed after these discussions: the number of nominees from which to select commissioners, and the exception of competitively bid contracts from the campaign contribution prohibition.

"This measure, and its companion, Senate Bill 2251, were introduced at the Commission's request during the 2010 Regular Legislative Session. Both of these companion measures addressed the Governor's concerns, but also made additional changes and amendments, some of which were substantive rather than simply recodifying and reorganizing the existing campaign finance laws. During hearings before the House of Representatives, other changes and amendments were made to House Bill 2003; some of these amendments were also substantive, although favorable for the campaign finance laws.

"The Senate Judiciary and Government Operations Committee amended Senate Bill 2251 by replacing its contents with the contents of House Bill 128, Conference Draft 2 (2009), making changes to address the Governor's remaining concerns with House Bill 128, Conference Draft 2 (2009), and making technical, nonsubstantive changes. Your House Judiciary Committee did not move Senate Bill 2251, Senate Draft 1 but instead agreed that the Senate Judiciary and Government Operations Committee would move House Bill 2003, House Draft 3.

"Accordingly, the Senate Judiciary and Government Operations Committee amended House Bill 2003 by replacing its contents, except as set forth below, with the contents of Senate Bill 2251, S.D. 1. The exceptions are as follows:

1) Inclusion of a new section to provide for transparency and to indicate that the campaign finance laws should be construed to support transparency;

(2) Amendments to the definitions of "contribution" and "other receipts" to exclude loans, so that reporting of loans to candidate committees will be reported as loans rather than as contributions or receipts, lessening confusion between these categories;

(3) An amendment to the definition of "election period" to clarify the election period for a special election;

(4) Reinsertion of language from existing campaign finance laws regarding the obligation of the Judicial Council to meet and expeditiously select additional persons for the list of nominees whenever the number of the eligible nominees falls below five, as requested by the Chief Justice;

(5) Clarification regarding the authority of the Commission to dismiss persons employed by or contracted with the Commission, to emphasize that such authority is discretionary; and

(6) Insertion of a provision from H.B. No. 2003, H.D. 3, regarding ballot issue committees.

"Upon receipt of House Bill 2003, House Draft 3, Senate Draft 1 from the Senate, your House Judiciary Committee found technical errors in several sections of the bill that wrongly referenced other sections of the bill. Our House Majority Staff Office attorneys differed with our House Judiciary Committee attorneys when they explained that the errors were substantive rather than technical.

"Your House Judiciary Committee received a letter from the Campaign Spending Commission asking it to pass House Bill 2003, House Draft 3, Senate Draft 1. We informed the Commission of the errors in the measure. The Commission followed up with a letter stating that they would not enforce the wrong references, thus, current law for those sections would not change and would be enforced as it were prior to these changes. Your House Judiciary Committee replied with a letter accepting the Commission's offer to not enforce the several wrong references, and in reliance and consideration of that agreement, your House Judiciary Committee agreed to House Bill 2003, House Draft 3, Senate Draft 1.

"I want to thank the Campaign Spending Commission, Senate Judiciary and Government Operations Committee, as well as my staff on the House Judiciary Committee for all their hard work. Thank you."

Representative Karamatsu submitted the following letters:

BARBARA WONG
EXECUTIVE DIRECTOR

PHONE: (808) 586-0285
FAX: (808) 586-0288
www.hawaii.gov/campaign

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

APR 1 RECD

April 14, 2010

The Honorable Jon Riki Karamatsu
Co-Chair, Conference Committee
Hawaii State Capitol, Room 302
Honolulu, HI 96813

The Honorable Marcus Oshiro,
Co-Chair, Conference Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813

RE: HB 2003, HD3, SD2 (2010)

Dear Chair Karamatsu and Chair Oshiro:

Our office appreciates your assistance and leadership on campaign spending matters in prior years and during the 2010 legislative session.

We have reviewed the current version of the bill and respectfully request that the House Conferees agree to changes made by the Senate to HB 2003, HD3, SD2.

As you know, it is difficult working with a lengthy bill. If any future changes are needed, it will be much easier to deal with on a section by section basis, rather than within the context of a 107 page bill. The Blue Ribbon Recodification Committee, the Legislature and especially the Committee Chairs, and us have worked long and hard on this bill that will simplify and clarify the law for all.

Please call us at 586-0285 if you or your staff need additional information or have questions.

Sincerely,

Barbara U. Wong
Executive Director

C: Chair Brian Taniguchi, Conference Committee on HB 2003, HD3, SD2
The Honorable Calvin Say, Speaker of the House of Representatives
The Honorable Colleen Hanabusa, Senate President

and contributions received from the candidate's immediate family does not exceed $50,000 during an election period.

While the appropriate reference in subsection (b) should be to §11-JJ, rather than §11-HH, we believe that there is no immediate impact from passing this section as is and fixing it in the 2011 Legislature.

If an immediate family member is an officer, employee, or shareholder of a government contractor, they are permitted under current law to make contributions. If the immediate family member is a sole proprietor government contractor, the immediate family member is permitted under current law to make contributions.

Moreover, the specific contribution limits in §11-LL (i.e., $50,000 cap in the aggregate) would be applicable to loans and contributions from a member or all members of the immediate family, rather than the general contribution limits of $2,000, $4,000, and $6,000 in §11-JJ.

Please call us at 586-0285 if you or your staff need additional information or have questions.

Sincerely,

Barbara U. Wong
Executive Director

C: Chair Brian Taniguchi, Conference Committee on HB 2003, HD3, SD2
The Honorable Calvin Say, Speaker of the House of Representatives
The Honorable Blake Oshiro, Majority Leader of the House of Representatives

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(2) Knowingly solicit any contribution from any person for any purpose during any period.
(b) Except as provided in subsection (a), this section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any noncandidate committee by any person other than the state or county contractor for the purpose of influencing the nomination for election, or the election of any person to office.
(c) For purposes of this section, "completion of the contract" means that the parties to the government contract have either terminated the contract prior to completion of performance or fully performed the duties and obligations under the contract, no disputes relating to the performance and payment remain under the contract, and all disputed claims have been adjudicated and are final.

BARBARA WONG
EXECUTIVE DIRECTOR

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

April 22, 2010

The Honorable Jon Riki Karamatsu
Co-Chair, Conference Committee
Hawaii State Capitol, Room 302
Honolulu, HI 96813

The Honorable Marcus Oshiro
Co-Chair, Conference Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813

RE: HB 2003, HD3, SD2 (2010)

Dear Chair Karamatsu and Chair Oshiro:

Our office appreciates your assistance and leadership regarding the recodification of the campaign spending law in this bill

We have reviewed §11-LL, entitled Family contributions, in HB 2003, HD3, SD2, which provides as follows:

> (a) A contribution by a dependent minor shall be reported in the name of the minor but included in the aggregate contributions of the minor's parent or guardian.
> (b) A contribution by the candidate's immediate family[1] shall be exempt from section 11-HH;[2] provided that the aggregate amount of loans

[1] 11-B "Immediate family" means a candidate's spouse or reciprocal beneficiary, as defined in section 572C-3, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses or reciprocal beneficiaries of such persons.

[2] §11-HH Contributions by state and county contractors prohibited. (a) It shall be unlawful for any person who enters into any contract with the State, any of the counties, or any department or agency thereof either for the rendition of personal services, the buying of property, or furnishing of any material, supplies, or equipment to the State, any of the counties, any department or agency thereof, or for selling any land or building to the State, any of the counties, or any department or agency thereof, if payment for the performance of the contract or payment for material, supplies, equipment, land, property, or building is to be made in whole or in part from funds appropriated by the legislative body, at any time between the execution of the contract through the completion of the contract, to:
(1) Directly or indirectly make any contribution, or promise expressly or impliedly to make any contribution to any candidate committee or noncandidate committee, or to any candidate or to any person for any political purpose or use; or

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

April 22, 2010

Via Hand Delivery

Barbara U. Wong
Executive Director
Campaign Spending Commission
235 S. Beretania St., Rm. 300
Honolulu, Hawaii 96813

Re: HB 2003, HD3, SD2 (2010)

The instant transmittal is sent to inform you that relying upon your letter dated April 14, 2010, which requested that the House Judiciary Conference Committee agree to the changes made by the Senate to the above-referenced bill and your letter dated April 22, 2010, which gave guidance, clarification, and the interpretation from the Campaign Spending Commission's Executive Director regarding the changes made to section 11-LL of HB 2003, HD3, SD2, my recommendation that the House Judiciary Conference Committee agree to the changes made to the bill in Senate Draft 2 has been adopted by unanimous vote of the House Judiciary Conference Committee.

Thank you for your efforts and if there are any questions with regard to the foregoing, please do not hesitate to communicate with the undersigned.

Office of Representative
JON RIKI KARAMATSU

By
REPRESENTATIVE JON RIKI KARAMATSU
Chair, House Judiciary Committee

cc: The Honorable Senator Brian T. Taniguchi
The Honorable Representative Marcus R. Oshiro
The Honorable Calvin K. Y. Say, Speaker of the House of Representatives

Representative Jon Riki Karamatsu – Chair, House Judiciary Committee
District 41: Waikele, Royal Kunia, Village Park, Waipahu
State Capitol, Room 427 – Honolulu, Hawaii 96813
Phone: 586-8490 – Fax: 586-8494
E-Mail: repkaramatsu@capitol.hawaii.gov

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Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations and they've really been stated by the Representative from Makiki."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takai rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Berg rose in support of the measure with reservations and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 2003, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Final Reading by a vote of 51 ayes.

H.B. No. 2083, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2083, HD 1, on the following showing of Ayes and Noes:

Ayes, 5 (Tsuji, Herkes, Karamatsu, Yamane and Marumoto). Noes, none. Excused, none.

Representative B. Oshiro moved that H.B. No. 2083, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. Brief comments on HB 2083, Relating to Milk Labeling. Mr. Speaker, this was an idea spawned through many discussions. Basically this bill requires milk beverages to be labeled with the date of pasteurization and the date of packaging.

"Just for edification, it does not apply to soy milk. It will be effective January 1st, 2011 to give local, as well as mainland dairies the opportunity to work on the stamping process. It applies to milk beverages containing 100% weight of milk that is sold in the State. And it addresses putting the pasteurization date and the date of packaging on the milk products.

"Mr. Speaker, this is a good consumer awareness issue. This also highlights and supports our local dairies. Mr. Speaker, this bill has had a couple of reviving periods as it progressed through the process. However, using good marketing principles, and supporting and pursing our local dairies, as well as employees that are employed in the State that do pasteurization, I'm very happy that this bill is before us today. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2083, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

H.B. No. 2721, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2721, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Karamatsu, Tsuji and Thielen). Noes, none. Excused, 1 (Souki).

Representative B. Oshiro moved that H.B. No. 2721, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support of House Bill No. 2721, House Draft 1, Senate Draft 1. The purpose of this measure is to authorize certified shorthand reporters to administer oaths and affirmations in the performance of their duties as deposition officers without the necessity of being notaries public. This will help make the process faster for this important service in our legal system. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2721, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Final Reading by a vote of 51 ayes.

H.B. No. 2129, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2129, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Karamatsu, Aquino and Thielen). Noes, none. Excused, 1 (Nakashima).

Representative B. Oshiro moved that H.B. No. 2129, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support with written comments."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I am standing in strong support. This bill, Mr. Speaker, has good intentions as we continue to struggle in the battle to protect our communities from vandalism and graffiti.

"House Bill 2129 requires anyone who is convicted of graffiti to clean the site of the offense and clean up any other subsequent graffiti within a 100 yard distance for up to two years. This is a dramatic strengthening of current penalties. This bill has great promise and sends a clear message of deterrence and accountability.

"In my district of Waipahu, graffiti seems to magically appear throughout the neighborhoods at anytime of the day, anytime of the week, and anytime of the year. In the past, walls surrounding residences were taggers' primary targets. Now, it is anything that is visible. You name it. Graffiti can be found on anything public or privately owned. Aside from

your typical walls on the corner of a residential area, graffiti can be found on street signs, light poles, electrical boxes, bus stops, business places and even on trees.

"It is my hope that this measure will be an effective tool in curbing this problem we face throughout the State. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise to support House Bill 2129. I also support that these criminal offenders will be required to remove graffiti from within 100 yards of their site of the offense, and to reimburse property owners for two years for costs incurred in all those graffiti removals within those 100 yards.

"Whether the property effaced is public or private, these offenders violate an implicit agreement that citizens respect the work and attainments of one another, as well as the informed aesthetic choices of design planners. Residents and visitors labor to earn their property or the taxes they pay on public property, so it is utterly contemptuous and disrespectful for casual by-passers to freely override such hard-earned decision making opportunities. If we fail to properly discourage graffiti abuse, we will diminish incentives for Hawaii residents to attain those lucrative jobs which will equip them to acquire property. A continuous spread of graffiti would also mar the State's aesthetic publicity, repelling potential visitors from Hawaii while the State's tourism economy is at its most fragile. Thank you."

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker. After consultation with my staff member, Heather Lee, I submit written comments to the Journal in strong support of the bill Relating to Graffiti. The intention of this bill is to clean up and beautify our streets and neighborhoods by devising a sentencing plan that requires offenders to remove any and all graffiti to damaged properties within a one-hundred yard radius of the site of the offense.

"At the present, graffiti is a growing problem in the State of Hawaii, and we must be proactive to decrease these acts of vandalism in our backyard. I believe that the type of legislation that is being proposed in this bill is a step towards enforcing social rules and establishing a sense of responsibility amongst the members of our community. By requiring offenders to clean up any unwanted graffiti near to the site of their offense we, the legislature, are setting the tone that:

1) Desecration of our island is unwanted and punishable, and

2) We are not individuals in this State and we must cooperate to keep our community clean.

It is through vigilant anti-graffiti action and the promotion of social responsibility that we will be able to keep Hawaii pristine.

"Therefore, I believe that vandalizing public and private property is a crime, and while I do acknowledge that in certain venues graffiti can be seen as artwork, the tagging and intentional defacing that exists on the sides of buildings and bus stops must stop. Passing this bill will not only benefit our districts, but will also preserve the appearance of the State of Hawaii now and to come. Thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support."

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2129, Relating to Graffiti. This bill will require a person convicted of criminal property damage involving graffiti to remove the graffiti within 30 days of sentencing and to perform community service removing graffiti from within 100 yards of the site of the offense.

"Mr. Speaker, this is another tough on crime bill. Graffiti is an eyesore in our communities. The financial burden on government, community associations, and individuals who address this issue is costly. This burden should be placed on the person committing the crime, and not on the victims. The community service provision will benefit Ewa Beach and teach the offender that their criminal act comes with a cost."

Representative Nakashima rose to speak in support of the measure, stating:

"In strong support, with written comments please."

Representative Nakashima's written remarks are as follows:

"As elected officials, we hear the word, 'accountability' very often. We are accountable to our constituency for our actions. This is an important concept, not just for the Members of this Body, but for everyone to embrace and remember. It is accountability to each other that makes a group of people a community.

"This bill seeks to utilize this important value to ensure that people who deface others' property with graffiti be accountable and clean it up. It goes further by requiring the offender to be responsible for the area 100 yards around the location that the offense occurred. I believe this requirement, while extending beyond the offender being accountable for him or herself, is important in teaching the offender that we are all members of the community and responsible to each other. I commend the Representative from Waipahu for championing this bill."

Representative Har rose to speak in support of the measure, stating:

"In strong support, and may I have the words of the speaker from Waipio Gentry entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Keith-Agaran rose to speak in support of the measure, stating:

"In strong support with written comments."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. HB 2129, H.D. 1, S.D. 1 requires a person convicted of criminal property damage involving graffiti to remove the graffiti within 30 days of sentencing and to perform community service removing graffiti from within 100 yards of the site of the offense.

"Graffiti is a serious and costly problem for every Hawai'i community each year. Tags mar public buildings in parks, schools, shopping centers, private warehouses, and on roadway signs and highways. I commend my six freshmen House colleagues who joined together in introducing this bill which doesn't just create tougher penalties for offenders. This bill proposes to deter convicted taggers by making them responsible for graffiti in the neighborhoods they damaged and marred for up to two years, in addition to any other penalty available under current law. Making them the caretakers for the areas they tagged is appropriate punishment. Hawaii is a beautiful place and maintaining that beauty for our residents and visitors is very important. These additional obligations on taggers will make would-be offenders think twice before they act.

"I urge my colleagues to vote in favor of this bill."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"Working on this bill was such a pleasure this Session. The freshmen decided to set aside differences in opinion and background in order to put our communities first. After extended discussions, we identified shared values and priorities. HB 2129: Relating to Graffiti, was a bill that symbolized our belief that in these tough times, we must find new and better ways to prevent crime and make our communities even better, without costing taxpayers a dime.

"This bill requires a person convicted of criminal property damage involving graffiti to not only remove the graffiti, but also take responsibility for removing graffiti near the site of the offense, or reimburse property owners for costs incurred for removing graffiti in the same area.

"The concept behind this new approach will be to make those convicted for vandalism responsible for preventing it, and give them reason to start caring about keeping our community clean. I'm hopeful that this bill is the beginning of the end of all unauthorized graffiti and vandalism in Hawaii."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support, and may I have the written comments of the Representative from Kahului entered into the records as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, I want to have the written comments from the Representative from Kahului also. I'm sure he has very fine written comments ready," and the Chair "so ordered. (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 2129, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Final Reading by a vote of 51 ayes.

H.B. No. 2708, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 2708, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support and would like to submit written comments as well."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, this bill would require the Department of Transportation to develop and implement a public involvement process when carrying out any transportation project in the State. The purpose of this measure is to allow people an opportunity to provide comments on projects that may affect their communities. This ensures people that public participation and collaboration is welcomed. It empowers our island communities and reminds residents that they have a say in deciding what goes on in government, and how their hard-earned tax dollars are spent. The transparency and partnership opportunities for both constituencies and government would be tremendous. For these reasons, I support House Bill 2708."

The motion was put to vote by the Chair and carried, and H.B. No. 2708, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 51 ayes.

At 5:48 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 840, HD 1, SD 1
H.B. No. 2003, HD 3, SD 2
H.B. No. 2083, HD 1, SD 2
H.B. No. 2721, HD 1, SD 1
H.B. No. 2129, HD 1, SD 1
H.B. No. 2708, HD 1, SD 1

At 5:48 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:48 o'clock p.m.

At this time, the Chair stated:

"Members, on Stand. Com. Rep. No. 1382-10, HR No. 47, HD 1, this measure will be deferred one legislative day, which is tomorrow."

Stand. Com. No. 1382-10 and H.R. No. 47, HD 1:

By unanimous consent, action was deferred one legislative day.

STANDING COMMITTEE REPORTS

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1385-10), recommending that H.R. No. 240, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 240, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING AN INVESTIGATIVE COMMITTEE TO INVESTIGATE THE PROPOSED REORGANIZATION PLAN AND PURCHASE OF SERVICE CONTRACTS OF THE DEPARTMENT OF HUMAN SERVICES," was referred to the Committee on Legislative Management, with Representative Chong being excused.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representative Chong was excused.)

H.B. No. 2152, HD 1, (SD 1)

The Chair addressed the Clerk who announced that the record of votes for said measure had been received which indicated that a quorum was present at decision making, and that the requisite number of House Conferees appointed had cast affirmative votes to report said measure to the Floor.

H.B. No. 2152, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2152, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Yamane, Nishimoto and Finnegan). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2152, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Final Reading by a vote of 51 ayes.

At 5:51 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2152, HD 1, SD 1

At 5:51 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:51 o'clock p.m., with the Speaker presiding.

END OF CALENDAR

At this time, the Chair stated:

"Members, at this time, if you will recall, on page 13 of your Order of the Day, Conference Committee Report No. 52-10, Senate Bill 2405, Senate Draft 2, House Draft 1, Conference Draft 1, was deferred until the end of calendar, today. We will defer it one legislative day, until tomorrow.

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

At 5:52 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:53 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate and give notice of intent to adopt the following House Concurrent Resolutions, seconded by Representative Evans:

H.C.R. No. 21, (SD 1)
H.C.R. No. 22, (SD 1)
H.C.R. No. 23, (SD 1)
H.C.R. No. 24, (SD 1)
H.C.R. No. 25, (SD 1)
H.C.R. No. 26, (SD 1)
H.C.R. No. 27, (SD 1)
H.C.R. No. 28, (SD 1)
H.C.R. No. 29, (SD 1)
H.C.R. No. 30, (SD 1)
H.C.R. No. 31, (SD 1)
H.C.R. No. 32, (SD 1)
H.C.R. No. 33, (SD 1)
H.C.R. No. 34, (SD 1)
H.C.R. No. 36, (SD 1)
H.C.R. No. 45, (SD 1)
H.C.R. No. 51, (SD 1)
H.C.R. No. 62, (SD 1)
H.C.R. No. 68, (SD 1)
H.C.R. No. 212, (SD 1)

At this time, the Chair stated:

"The notice is just to move to agree today. Tomorrow or Thursday we'll be addressing all of these resolutions. We are moving to agree to the amendments made by the Senate, and giving notice of our intention to agree on Wednesday or Thursday."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate and gave notice of intent to adopt the noted House Concurrent Resolutions.

ADJOURNMENT

At 5:57 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 28, 2010.

HOUSE COMMUNICATIONS

House Communication dated April 27, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 921, HD 1, SD 2	Discharged Representatives Ito, Carroll, Har, Co-Chairs, Thielen

House Communication dated April 27, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and gives notice of intent to adopt the following House Concurrent Resolutions:

H.C.R. No. 21, SD 1
H.C.R. No. 22, SD 1
H.C.R. No. 23, SD 1
H.C.R. No. 24, SD 1
H.C.R. No. 25, SD 1
H.C.R. No. 26, SD 1
H.C.R. No. 27, SD 1
H.C.R. No. 28, SD 1
H.C.R. No. 29, SD 1
H.C.R. No. 30, SD 1
H.C.R. No. 31, SD 1
H.C.R. No. 32, SD 1
H.C.R. No. 33, SD 1
H.C.R. No. 34, SD 1
H.C.R. No. 36, SD 1
H.C.R. No. 45, SD 1
H.C.R. No. 51, SD 1
H.C.R. No. 62, SD 1
H.C.R. No. 68, SD 1
H.C.R. No. 212, SD 1

House Communication dated April 27, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 840, HD 1, SD 1
H.B. No. 2003, HD 3, SD 2
H.B. No. 2083, HD 1, SD 2
H.B. No. 2129, HD 1, SD 1
H.B. No. 2708, HD 1, SD 1
H.B. No. 2721, HD 1, SD 1

House Communication dated April 27, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2152, HD 1, SD 1

House Communication dated April 27, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 347, HD 2, SD 2, CD 1
H.B. No. 415, HD 2, SD 2, CD 1
H.B. No. 865, HD 1, SD 1, CD 1

H.B. No. 869, HD 1, SD 1, CD 1
H.B. No. 979, HD 1, SD 1, CD 1
H.B. No. 1190, HD 1, SD 2, CD 1
H.B. No. 1212, HD 1, SD 1, CD 1
H.B. No. 1665, HD 1, SD 2, CD 1
H.B. No. 1684, HD 2, SD 2, CD 1
H.B. No. 1808, HD 3, SD 1, CD 1
H.B. No. 1818, HD 2, SD 2, CD 1
H.B. No. 1854, SD 2, CD 1
H.B. No. 1863, HD 1, SD 1, CD 1
H.B. No. 1978, HD 2, SD 2, CD 1
H.B. No. 1987, HD 2, SD 2, CD 1
H.B. No. 1992, HD 1, SD 1, CD 1
H.B. No. 2000, HD 2, SD 2, CD 1
H.B. No. 2020, HD 2, SD 2, CD 1
H.B. No. 2061, HD 1, SD 2, CD 1
H.B. No. 2077, HD 1, SD 1, CD 1
H.B. No. 2084, HD 1, SD 1, CD 1
H.B. No. 2133, HD 1, SD 1, CD 1
H.B. No. 2157, HD 1, SD 1, CD 1
H.B. No. 2200, HD 1, SD 2, CD 1
H.B. No. 2239, SD 2, CD 1
H.B. No. 2266, HD 1, SD 1, CD 1
H.B. No. 2283, HD 2, SD 1, CD 1
H.B. No. 2288, HD 1, SD 2, CD 1
H.B. No. 2289, HD 2, SD 1, CD 1
H.B. No. 2318, HD 2, SD 1, CD 1
H.B. No. 2349, HD 1, SD 2, CD 1
H.B. No. 2376, HD 3, SD 2, CD 1
H.B. No. 2397, HD 1, SD 1, CD 1
H.B. No. 2441, HD 2, SD 2, CD 1
H.B. No. 2450, HD 1, SD 2, CD 1
H.B. No. 2486, HD 2, SD 2, CD 1
H.B. No. 2497, SD 1, CD 1
H.B. No. 2503, HD 1, SD 2, CD 1
H.B. No. 2505, HD 1, SD 1, CD 1
H.B. No. 2533, HD 1, SD 2, CD 1
H.B. No. 2542, HD 1, SD 2, CD 1
H.B. No. 2575, HD 2, SD 2, CD 1
H.B. No. 2583, SD 2, CD 1
H.B. No. 2594, HD 2, SD 1, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1
H.B. No. 2604, HD 2, SD 2, CD 1
H.B. No. 2631, HD 2, SD 2, CD 1
H.B. No. 2644, HD 2, SD 2, CD 1
H.B. No. 2661, HD 2, SD 2, CD 1
H.B. No. 2676, HD 1, SD 1, CD 1
H.B. No. 2688, HD 1, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2698, HD 2, SD 2, CD 1
H.B. No. 2725, HD 1, SD 1, CD 1
H.B. No. 2775, HD 2, SD 2, CD 1
H.B. No. 2831, HD 2, SD 2, CD 1
H.B. No. 2832, HD 1, SD 2, CD 1
H.B. No. 2845, HD 1, SD 1, CD 1
H.B. No. 2919, HD 1, SD 2, CD 1
S.B. No. 466, SD 2, HD 1, CD 1
S.B. No. 506, SD 1, HD 3, CD 1
S.B. No. 532, SD 1, HD 1, CD 1
S.B. No. 633, SD 1, HD 2, CD 1
S.B. No. 910, SD 1, HD 2, CD 1
S.B. No. 930, HD 2, CD 1
S.B. No. 950, SD 2, HD 3, CD 1
S.B. No. 1059, SD 2, HD 3, CD 1
S.B. No. 1062, SD 1, HD 1, CD 1
S.B. No. 1105, SD 2, HD 1, CD 1
S.B. No. 1230, SD 2, HD 1, CD 1
S.B. No. 2019, SD 1, HD 2, CD 1
S.B. No. 2020, HD 2, CD 1
S.B. No. 2045, SD 1, HD 1, CD 1
S.B. No. 2054, SD 2, HD 1, CD 1
S.B. No. 2068, SD 2, HD 1, CD 1
S.B. No. 2105, SD 2, HD 1, CD 1
S.B. No. 2115, SD 1, HD 2, CD 1
S.B. No. 2116, SD 2, HD 2, CD 1
S.B. No. 2150, HD 1, CD 1
S.B. No. 2154, SD 1, HD 1, CD 1
S.B. No. 2165, SD 1, HD 2, CD 1
S.B. No. 2169, SD 2, HD 2, CD 1
S.B. No. 2173, SD 1, HD 1, CD 1
S.B. No. 2220, SD 1, HD 2, CD 1
S.B. No. 2231, SD 1, HD 2, CD 1
S.B. No. 2256, SD 1, HD 1, CD 1
S.B. No. 2257, SD 2, HD 1, CD 1
S.B. No. 2324, SD 2, HD 2, CD 1
S.B. No. 2346, SD 1, HD 1, CD 1
S.B. No. 2371, SD 2, HD 1, CD 1
S.B. No. 2385, SD 1, HD 1, CD 1
S.B. No. 2386, HD 1, CD 1
S.B. No. 2395, SD 2, HD 1, CD 1
S.B. No. 2399, SD 1, HD 1, CD 1
S.B. No. 2400, SD 1, HD 1, CD 1
S.B. No. 2434, SD 1, HD 1, CD 1
S.B. No. 2449, HD 1, CD 1
S.B. No. 2454, SD 2, HD 1, CD 1
S.B. No. 2461, SD 2, HD 2, CD 1
S.B. No. 2472, SD 2, HD 1, CD 1
S.B. No. 2473, SD 1, HD 2, CD 1
S.B. No. 2491, SD 2, HD 1, CD 1
S.B. No. 2534, SD 2, HD 1, CD 1
S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2548, SD 2, HD 1, CD 1
S.B. No. 2563, SD 1, HD 2, CD 1
S.B. No. 2565, SD 1, HD 1, CD 1
S.B. No. 2566, HD 2, CD 1
S.B. No. 2599, SD 2, HD 2, CD 1
S.B. No. 2600, SD 2, HD 2, CD 1
S.B. No. 2601, SD 1, HD 2, CD 1
S.B. No. 2603, SD 2, HD 2, CD 1
S.B. No. 2610, HD 1, CD 1
S.B. No. 2643, SD 1, HD 1, CD 1
S.B. No. 2661, SD 2, HD 2, CD 1
S.B. No. 2691, SD 1, HD 1, CD 1
S.B. No. 2697, SD 1, HD 1, CD 1
S.B. No. 2702, SD 2, HD 1, CD 1
S.B. No. 2716, SD 2, HD 2, CD 1
S.B. No. 2729, SD 2, HD 1, CD 1
S.B. No. 2745, SD 2, HD 1, CD 1
S.B. No. 2806, SD 2, HD 1, CD 1
S.B. No. 2807, SD 2, HD 2, CD 1
S.B. No. 2809, SD 2, HD 1, CD 1
S.B. No. 2811, SD 2, HD 2, CD 1
S.B. No. 2817, SD 1, HD 1, CD 1
S.B. No. 2825, SD 1, HD 1, CD 1
S.B. No. 2828, SD 1, HD 3, CD 1
S.B. No. 2831, SD 1, HD 1, CD 1
S.B. No. 2842, SD 2, HD 1, CD 1
S.B. No. 2849, SD 2, HD 1, CD 1
S.B. No. 2859, SD 2, HD 1, CD 1
S.B. No. 2883, SD 1, HD 2, CD 1
S.B. No. 2885, SD 2, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2919, SD 1, HD 1, CD 1
S.B. No. 2937, SD 1, HD 1, CD 1
S.B. No. 2951, SD 2, HD 2, CD 1

FIFTY-NINTH DAY

Wednesday, April 28, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 11:41 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Sharon E. Har, after which the Roll was called showing all Members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 276 through 280) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 276, informing the House that on April 25, 2010, the following bill was signed into law:

H.B. No. 1985, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 059)

Gov. Msg. No. 277, informing the House that on April 25, 2010, the following bill was signed into law:

S.B. No. 898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE." (ACT 060)

Gov. Msg. No. 278, informing the House that on April 25, 2010, the following bill was signed into law:

H.B. No. 2058, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY." (ACT 061)

Gov. Msg. No. 279, informing the House that on April 25, 2010, the following bill was signed into law:

S.B. No. 2775, SD 1, HD 2, entitle: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P." (ACT 062)

Gov. Msg. No. 280, dated April 25, 2010, informing the House that on April 28, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill will become law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2121

On April 28, 2010, I intend to allow Senate Bill No. 2121, entitled "A Bill for an Act Relating to The Early Learning Council" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the Early Learning Council to conduct meetings by teleconference and sets quorum requirements, public notice requirements, and public participation requirements for teleconference meetings.

This legislative session I introduced Senate Bill No. 2710 and House Bill No. 2557 which would have allowed all boards and commissions to use various forms of audio or audio and visual conference technology, such as teleconference, videoconference, and voice over internet protocol, to facilitate meetings between board members and the public. I believe that expanding the use of available technology by all boards and commissions will increase efficiency in their deliberations and decision making, enhance public access to these deliberations, and reduce administrative costs for travel and meeting expenses.

However, I am concerned that this measure's scope and applicability is too narrow because it only allows one specific entity to use teleconferencing to conduct meetings. The measure fails to explain why this Council's needs are different from other Boards, Commissions and Councils in the State. The legislation fails to provide a rationale as to why it should be held under a different standard than what is applicable to all other boards and commissions that must adhere to the Sunshine Law.

I urge the Legislature to amend this Act in the next Legislative session to allow all boards and commissions to meet by teleconference, video conference, and voice over internet protocol, or equivalent electronic method.

For the foregoing reasons, I intend to allow Senate Bill No. 2121 to become law as Act 63, effective April 28, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

The following messages from the Governor (Gov. Msg. Nos. 281 through 286) were announced by the Clerk and received for possible future consideration:

Gov. Msg. No. 281, transmitting her statement of objections to H.B. No. 2085, HD 1, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2085

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2085, entitled "A Bill for an Act Relating to Health."

The purpose of this bill is to prohibit a purchasing agency from soliciting proposals for any QUEST contract under chapter 103F, Hawaii Revised Statutes, if the anticipated contract sum exceeds $100,000,000 and the commencement date of the contract is after the expiration of the term of office of the head of the purchasing agency. The stated purpose of the statutory amendment is to "ensure continuity of care for Hawaii's neediest population and to make certain that Medicaid contracts reflect expectations outlined in national health care reform by establishing restrictions on the issuance of requests for proposals for QUEST contracts."

This bill is objectionable because it does not achieve the stated goal of ensuring continuity of care for Hawaii's Medicaid population and instead will disrupt care for Medicaid clients.

Requests for proposals (RFPs) for the Medicaid managed care programs are extensive, detailed, and complex. QUEST health plans need sufficient time to prepare to deliver a full array of health care services to nearly 200,000 individuals who are currently served in the QUEST program. The Department of Human Services must ensure that there are uninterrupted services to these vulnerable clients.

This bill ties the solicitation of bids to the expiration of the term of the head of the purchasing agency. This language would seem to require that all QUEST contracts be scheduled so that they never expire within the last one and one-half to two years of any appointed director's term. This is the

length of time needed to allow for the complete procurement of a complex contract, including any delays caused by appeals and challenges to the contract award.

Thus, if a contract cannot be solicited before the end of a director's term, there is a high probability that any existing contract would end before a new one is in place during the next director's term. Such a scenario will require extension of the existing contract beyond its original terms, which circumvents the protections in state procurement laws. Extensions would delay the State's ability to structure a new contract in a way that strengthens its oversight of the health plans, drawing on the experience of the previous contract. Extensions would also delay efforts to improve the contract provisions to ensure better quality health care for Medicaid clients, and maximum efficiency, transparency, and value to Hawaii taxpayers.

For the foregoing reasons, I am returning House Bill No. 2085 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 282, transmitting her statement of objections to H.B. No. 2086, HD 2, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2086

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2086, entitled "A Bill for an Act Relating to Health Care Data."

The purpose of this bill is to allow clinical laboratory test results to be provided to authorized persons or a covered entity for a purpose permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This bill appears to be intended to expedite patient care by broadening the definition of who may have direct access to laboratory data. However, the legislation lacks safeguards that will ensure the protection of patients' privacy rights.

Section 11-110.0-16, Hawaii Administrative Rules, states, "The result of a test shall be reported only to the authorized person who ordered the test and the designee(s) of the person who ordered the test." The administrative rules list the specific individuals and entities that may access laboratory data in such a way that ensures licensed health care providers use information for direct diagnosis, treatment, and health care evaluation purposes.

This measure is a significant departure from what is currently permissible, because it provides for a much broader array of people and entities, that do not have a direct role in a patient's health care, to access laboratory data. I am also concerned that once an entity or its associated businesses obtain laboratory data, they can forward that information to any other HIPAA entity or associate without limit. This could lead to the wider dissemination of sensitive patient information.

I believe that this issue requires and deserves further review. Additional safeguards should be developed before this bill is enacted. I strongly urge the Legislature and Department of Health to discuss with stakeholders the potential impacts of expanding access to clinical laboratory data. They should also evaluate national discussions currently underway and allow pending federal rules changes to be promulgated before proposing State legislation that may not meet new federal guidelines.

For the foregoing reasons, I am returning House Bill No. 2086 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 283, transmitting her statement of objections to H.B. No. 2421, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2421

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2421, entitled "A Bill for an Act Relating to Government."

The purported purpose of Senate Bill No. 2421 is to provide a source of funding to support government programs, personnel, task forces, and grants-in-aid intended to promote energy and food security in the State. The funding will be generated by instituting a $1.00 increase in the tax imposed on each barrel or fractional part of a barrel of oil sold by a distributor to any retail dealer or end user in the State. However, over half of the money raised by the tax would not be used for the stated purpose.

This bill is objectionable because it raises taxes on Hawaii residents and businesses by an estimated $22 million per year at a time when the community cannot afford these taxes, and deceptively implies these funds will be used to address the state's dependence on imported fuel and food.

This tax will impact virtually everything we do or use in Hawaii including electricity, gasoline, trucking, shipping, retail goods, food, and even the propane for our backyard barbeques. The impacts will ripple through our entire economic system. I am particularly concerned that the tax increase occurs at a precarious moment when the State economy is beginning to stabilize and progress out of the slump created by the global recession.

It is worth noting that the Legislature was willing to exempt from this barrel tax aviation fuel used by commercial airlines, thereby shifting the burden of the tax to consumers. It should be recognized that higher energy prices discriminate against poor families more than any other group in our society. Energy costs comprise a higher percentage of family expenses for those at the lower income levels. This taxing policy runs counter to a progressive tax structure.

As I noted last year when I vetoed this measure's predecessor, energy and food security have been top priorities of my Administration. In 2006, I signed groundbreaking legislation known as Energy for Tomorrow that laid the foundation to wean Hawaii off imported oil. In 2008, my Administration signed a historic, one-of-a-kind agreement with the U. S. Department of Energy intended to decrease energy demand and accelerate the use of renewable energy resources in Hawaii. In 2009, we enacted legislation drafted by members of the Hawaii Clean Energy Initiative that will help Hawaii meet our goal of 70 percent clean energy by 2030. I am proud to share these accomplishments with members of the Legislature, federal officials, and the community who are committed to making Hawaii a cleaner, greener, and more secure place to live.

I believe we can continue to make significant progress in this arena without this tax and the bureaucracies it will fund. Further, I am concerned that some of the money in this bill would be used to fund entities that have no direct relationship to the stated purposes of the legislation.

In sum, we must be willing to make tough choices and work together to prioritize the public programs that have the potential to genuinely address the State's dependence on imported oil and imported fuel without burdening our families, our businesses, and our economic recovery.

For the foregoing reasons, I am returning House Bill No. 2421 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 284, transmitting her statement of objections to H.B. No. 2866, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2866

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2866, entitled "A Bill for an Act Relating to Taxation."

The purpose of this bill is to reestablish the Hawaii estate tax on property, holdings, and assets of persons who pass away after April 30, 2010. This measure also taxes non-citizen and non-resident assets in Hawaii.

The bill is objectionable because it would effectively increase taxes on those most likely to invest in businesses and properties in Hawaii. It would also impose a tax on families with valuable land holdings who may not be wealthy, but whose estate meets the statutory thresholds.

Hawaii has not had an estate tax since 2005, when the federal credit for state death taxes was eliminated by the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Moreover, there is also no federal estate tax for tax year 2010 as a result of the EGTRRA. This measure targets individuals who are most capable of stimulating Hawaii's economy, and provides a disincentive for residents and non-residents looking to accumulate capital in the State or invest in the State.

Moreover, it is unfair to apply this estate tax to persons who die after April 30, 2010 with little notice or time to inform the public. This measure does not provide enough time for individuals to adequately plan their estate or modify their current estate plan. It would be unfortunate if a person who passes away on May 1, 2010, who may or may not know of the estate tax's existence, cannot distribute his estate as planned to his heirs and charities.

For the foregoing reasons, I am returning House Bill No. 2866 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 285, transmitting her statement of objections to S.B. No. 2159, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2159

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2159, entitled "A Bill for an Act Relating to Traffic Abstract Fee."

The purpose of Senate Bill No. 2159 is to increase general fund revenues by raising the traffic abstract fee from $7 to $20. Of the $20.00 to be charged, $18.00 is to be deposited into the general fund and $2.00 is to be deposited into the judiciary computer system special fund.

This bill is objectionable because it is effectively a tax increase on Hawaii drivers and businesses. This bill imposes a nearly two hundred percent increase in the amount of the fee currently charged. Based on the number of abstracts requested each year, this bill would cost Hawaii drivers an estimated $6.5 million more annually.

This increased fee of $20.00 would be significantly more than the traffic abstract fee of most other states. This substantial increase will undoubtedly impact businesses operating in Hawaii that regularly need to review traffic abstracts, particularly businesses that operate fleets of vehicles. Further the fee will impact any individual who operates a vehicle and must obtain an abstract for insurance purposes.

This measure, places an additional burden on Hawaii's residents and businesses at a time when existing taxes are difficult enough to bear. Families are prioritizing expenditures and making difficult decisions in order to live within their means. We in the State, have an obligation to do the same.

For the foregoing reasons, I am returning Senate Bill No. 2159 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 286, transmitting her statement of objections to S.B. No. 2650, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 25, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2650

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2650, entitled "A Bill for an Act Relating to the Department of Human Services."

The purpose of this bill is to allow the Governor, through the Department of Human Services (DHS), to establish an eligibility processing operations division (EPOD) pilot project on Oahu. This bill also prohibits the DHS from implementing any transfer of eligibility functions via a reorganization proposed before and during the effective date of the measure, other than the pilot project.

This bill is objectionable because it denies equal access for Hawaii residents living on the neighbor islands to utilize and receive public benefits, such as welfare assistance, Medicaid, and the Supplemental Nutrition Assistance Program services. The reorganization, proposed and

approved before the Legislature passed this measure, is designed to increase the convenience with which clients across the State can apply for services and renew their eligibility to retain services through the establishment of a call center and online applications. Residents could also receive in-person assistance at remaining DHS offices, community-based social service agencies, hospitals, and health clinics statewide.

This measure would provide easier access to the application and renewal process for residents on Oahu only, which is not fair to those living on the neighbor islands, and discriminates against them based solely on the location of their residence.

This bill is also objectionable because it would limit DHS's ability to reduce the backlog of applications and renewals for public assistance, which has increased statewide since 2008 because of the global economic recession. If EPOD cannot be fully implemented statewide, only those applications originating on Oahu will benefit from faster, more responsive, processing. Neighbor island applications are currently delayed for as long as four months, and the processing periods are not within the required federal timelines. The backlog will continue to grow. This does not serve our most needy residents well.

Furthermore, the original state-wide proposal would have improved the quality of service to public assistance recipients statewide while saving the taxpayers of the State an estimated $8 million annually. There is nothing wrong with improving service and also saving money. The original program should proceed.

For the foregoing reasons, I am returning Senate Bill No. 2650 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 643 through 649) were received and announced by the Clerk:

Sen. Com. No. 643, dated April 26, 2010, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Concurrent Resolution:

H.C.R. No. 284, SD 1 — Fukunaga, Chair; Ige, Slom

Sen. Com. No. 644, dated April 27, 2010, informing the House that the following bill has this day passed Final Reading:

H.B. No. 2200, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Sen. Com. No. 645, dated April 27, informing the House that the following bills have this day passed Final Reading:

H.B. No. 347, HD 2, SD 2, CD 1
H.B. No. 415, HD 2, SD 2, CD 1
H.B. No. 865, HD 1, SD 1, CD 1
H.B. No. 979, HD 1, SD 1, CD 1
H.B. No. 1190, HD 1, SD 2, CD 1
H.B. No. 1212, HD 1, SD 1, CD 1
H.B. No. 1665, HD 1, SD 2, CD 1
H.B. No. 1684, HD 2, SD 2, CD 1
H.B. No. 1808, HD 3, SD 1, CD 1
H.B. No. 1818, HD 2, SD 2, CD 1
H.B. No. 1854, SD 2, CD 1
H.B. No. 1863, HD 1, SD 1, CD 1
H.B. No. 1907, HD 1, SD 1, CD 1
H.B. No. 1948, HD 1, SD 1, CD 1
H.B. No. 1978, HD 2, SD 2, CD 1
H.B. No. 1987, HD 2, SD 2, CD 1
H.B. No. 1992, HD 1, SD 1, CD 1
H.B. No. 2000, HD 2, SD 2, CD 1
H.B. No. 2020, HD 2, SD 2, CD 1
H.B. No. 2061, HD 1, SD 2, CD 1
H.B. No. 2084, HD 1, SD 1, CD 1
H.B. No. 2133, HD 1, SD 1, CD 1
H.B. No. 2157, HD 1, SD 1, CD 1
H.B. No. 2239, SD 2, CD 1
H.B. No. 2266, HD 1, SD 1, CD 1
H.B. No. 2283, HD 2, SD 1, CD 1
H.B. No. 2288, HD 1, SD 2, CD 1
H.B. No. 2289, HD 2, SD 1, CD 1
H.B. No. 2318, HD 2, SD 1, CD 1
H.B. No. 2349, HD 1, SD 2, CD 1
H.B. No. 2376, HD 3, SD 2, CD 1
H.B. No. 2397, HD 1, SD 1, CD 1
H.B. No. 2441, HD 2, SD 2, CD 1
H.B. No. 2450, HD 1, SD 2, CD 1
H.B. No. 2486, HD 2, SD 2, CD 1
H.B. No. 2497, SD 1, CD 1
H.B. No. 2503, HD 1, SD 2, CD 1
H.B. No. 2505, HD 1, SD 1, CD 1
H.B. No. 2542, HD 1, SD 2, CD 1
H.B. No. 2575, HD 2, SD 2, CD 1
H.B. No. 2583, SD 2, CD 1
H.B. No. 2594, HD 2, SD 1, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1
H.B. No. 2604, HD 2, SD 2, CD 1
H.B. No. 2644, HD 2, SD 2, CD 1
H.B. No. 2661, HD 2, SD 2, CD 1
H.B. No. 2676, HD 1, SD 1, CD 1
H.B. No. 2688, HD 1, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2698, HD 2, SD 2, CD 1
H.B. No. 2725, HD 1, SD 1, CD 1
H.B. No. 2775, HD 2, SD 2, CD 1
H.B. No. 2831, HD 2, SD 2, CD 1
H.B. No. 2832, HD 1, SD 2, CD 1
H.B. No. 2845, HD 1, SD 1, CD 1
H.B. No. 2919, HD 1, SD 2, CD 1
S.B. No. 466, SD 2, HD 1, CD 1
S.B. No. 506, SD 1, HD 3, CD 1
S.B. No. 532, SD 1, HD 1, CD 1
S.B. No. 633, SD 1, HD 2, CD 1
S.B. No. 910, SD 1, HD 2, CD 1
S.B. No. 930, HD 2, CD 1
S.B. No. 950, SD 2, HD 3, CD 1
S.B. No. 1059, SD 2, HD 3, CD 1
S.B. No. 1062, SD 1, HD 1, CD 1
S.B. No. 1105, SD 2, HD 1, CD 1
S.B. No. 1230, SD 2, HD 1, CD 1
S.B. No. 2019, SD 1, HD 2, CD 1
S.B. No. 2020, HD 2, CD 1
S.B. No. 2045, SD 1, HD 1, CD 1
S.B. No. 2054, SD 2, HD 1, CD 1
S.B. No. 2068, SD 2, HD 1, CD 1
S.B. No. 2105, SD 2, HD 1, CD 1
S.B. No. 2115, SD 1, HD 2, CD 1
S.B. No. 2116, SD 2, HD 2, CD 1
S.B. No. 2150, HD 1, CD 1
S.B. No. 2154, SD 1, HD 1, CD 1
S.B. No. 2165, SD 1, HD 2, CD 1
S.B. No. 2169, SD 2, HD 2, CD 1
S.B. No. 2173, SD 1, HD 1, CD 1
S.B. No. 2220, SD 1, HD 2, CD 1
S.B. No. 2231, SD 1, HD 2, CD 1
S.B. No. 2256, SD 1, HD 1, CD 1
S.B. No. 2257, SD 2, HD 1, CD 1
S.B. No. 2324, SD 2, HD 2, CD 1
S.B. No. 2346, SD 1, HD 1, CD 1
S.B. No. 2371, SD 2, HD 1, CD 1

S.B. No. 2385, SD 1, HD 1, CD 1
S.B. No. 2386, HD 1, CD 1
S.B. No. 2395, SD 2, HD 1, CD 1
S.B. No. 2399, SD 1, HD 1, CD 1
S.B. No. 2400, SD 1, HD 1, CD 1
S.B. No. 2434, SD 1, HD 1, CD 1
S.B. No. 2449, HD 1, CD 1
S.B. No. 2454, SD 2, HD 1, CD 1
S.B. No. 2461, SD 2, HD 2, CD 1
S.B. No. 2472, SD 2, HD 1, CD 1
S.B. No. 2473, SD 1, HD 2, CD 1
S.B. No. 2491, SD 2, HD 1, CD 1
S.B. No. 2534, SD 2, HD 1, CD 1
S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2548, SD 2, HD 1, CD 1
S.B. No. 2563, SD 1, HD 2, CD 1
S.B. No. 2565, SD 1, HD 1, CD 1
S.B. No. 2599, SD 2, HD 2, CD 1
S.B. No. 2600, SD 2, HD 2, CD 1
S.B. No. 2601, SD 1, HD 2, CD 1
S.B. No. 2603, SD 2, HD 2, CD 1
S.B. No. 2610, HD 1, CD 1
S.B. No. 2643, SD 1, HD 1, CD 1
S.B. No. 2661, SD 2, HD 2, CD 1
S.B. No. 2691, SD 1, HD 1, CD 1
S.B. No. 2697, SD 1, HD 1, CD 1
S.B. No. 2702, SD 2, HD 1, CD 1
S.B. No. 2716, SD 2, HD 2, CD 1
S.B. No. 2729, SD 2, HD 1, CD 1
S.B. No. 2745, SD 2, HD 1, CD 1
S.B. No. 2806, SD 2, HD 1, CD 1
S.B. No. 2807, SD 2, HD 2, CD 1
S.B. No. 2809, SD 2, HD 1, CD 1
S.B. No. 2811, SD 2, HD 2, CD 1
S.B. No. 2817, SD 1, HD 1, CD 1
S.B. No. 2825, SD 1, HD 1, CD 1
S.B. No. 2828, SD 1, HD 3, CD 1
S.B. No. 2831, SD 1, HD 1, CD 1
S.B. No. 2842, SD 2, HD 1, CD 1
S.B. No. 2849, SD 2, HD 1, CD 1
S.B. No. 2859, SD 2, HD 1, CD 1
S.B. No. 2883, SD 1, HD 2, CD 1
S.B. No. 2885, SD 2, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2919, SD 1, HD 1, CD 1
S.B. No. 2937, SD 1, HD 1, CD 1
S.B. No. 2951, SD 2, HD 2, CD 1

Sen. Com. No. 646, dated April 27, 2010, informing the House that the Senate has on April 12, 2010, reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 2001, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION."

S.B. No. 2401, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Sen. Com. No. 647, dated April 27, 2010, informing the House that the Senate has on April 22, 2010, reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Sen. Com. No. 648, dated April 27, 2010, informing the House that the Senate has on April 26, 2010, reconsidered its action taken on April 8, 2010, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL."

Sen. Com. No. 649, transmitting H.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," which passed Third Reading in the Senate on April 27, 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Yamane introduced the many members of AARP, Lanakila Pacific, and Kokua Kalihi Valley.

Representative Ching introduced her legislative staff: Office Manager, Ms. Leanne Cardwell; and Ms. Naomi Kusachi and Ms. Colette Devou.

Representative Finnegan introduced friends from the Big Island, Mr. Scott Henderson, Mr. Daryl Smith, Mr. Fred Blas and Ms. Betty Blas. They were accompanied by Ms. Beth Fukumoto of Representative Ward's office.

Representative Finnegan also introduced Department of Land and Natural Resources Director, Ms. Laura Thielen.

Representative Ward introduced constituents, Mr. Paul Tomonari, and farmer, Mr. Tom Yamabe.

Representative Karamatsu introduced Ms. Merlita Compton, Program Coordinator for Kokua Kalihi Valley, and Mr. Brandon Mitsuda with Lanakila Meals on Wheels.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills and Senate Bills for Final Reading by consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 154-10 and H.B. No. 1015, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1015, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, this bill has been a long time coming. I would like to first of all thank the Chair of the Water, Land, and Ocean Resources Committee, and the Vice-Chair for working hard on part of this measure, and also the members of the Conference Committee who saw the value in this measure.

"Mr. Speaker, this measure has two parts that are very valuable to the Department of Hawaiian Homelands because we all know that the $30 million that the Legislature allocates each year will go away after 2014.

"The first part of this bill is a two-year pilot project which allows the Department of Hawaiian Homelands to start projects without their full capital. We also inserted language there from the Attorney General's

Opinion regarding the liability on the State that there will be no liability and the credit will be used against the Trust

"In part two of this bill, because we are trying to increase the revenues and to increase the Trust with the revenues going into that Trust, this bill offers a 20 year extension, one time only, which we all know that a commercial lease provides for a 65 year commercial lease and with 20 more years gives it a maximum of 85 years.

"What's beautiful about this bill is that we've heard the cry over the years about beneficiary consultation. This bill will allow for that and through rulemaking, Chapter 91, the Commission will adopt rules and evaluate and make final determinations on a request for a lease extension. This was really huge for our Committee because of the outcry from the community, from the beneficiaries, and those who work with the beneficiaries. We also inserted that in the bill.

"This bill also calls for 15% of proceeds off of the extension lease to go to the Native Hawaiian Rehabilitation Fund, which is a fund that was created in law pursuant to Article XII, Section 1 of the State Constitution. This particular Fund will assist with scholarships and other Native Hawaiian programs and we see this as a real value.

"I'd like to say for the record that when we were in Conference, this language was also mentioned, so if anybody tells you it wasn't, they're wrong. It was part of what we agreed upon. Not the full commercial leases, but the extension of the leases.

"Also I would like to say that we put in, because of transparency, reporting requirements. So the Department of Hawaiian Homelands has to submit an annual report to the Legislature and the United States Department of Interior no later than 20 days prior to the convening of each Regular Session beginning with 2011 of all leases of available lands for commercial and multipurpose projects.

"We also required another reporting mechanism for the Native Hawaiian Rehabilitation Fund. We wanted to ensure that the Department of Hawaiian Homelands submit this annual report to the Legislature, again to the United States Department of Interior no later than 20 days prior to the convening of each Regular Session of 2011 on all revenues generated by the commercial leases and expenditures from this Fund including amount expended, the recipient of the moneys expended, and the purpose of the expenditures also on the extended leases.

"Mr. Speaker, as your Chair of the Hawaiian Affairs Committee, you all know that I introduced a gaming bill earlier, which was not the political will of this Legislature. I also said at that time, if not gaming to raise funds for the Department of Homelands, what then?

"We also have been reminded in the news that in 2009 of November there was a lawsuit, Kalima vs. DHHL. They won that lawsuit because, why? The Department of Hawaiian Homelands in Article XII, Section 1 in the Constitution says that the State has a fiduciary responsibility to provide adequate funding, and we have been in breach of that contract. So now the Attorney General is looking at 'what next?'

"If we look at the settlement, the settlement could possibly bankrupt this State. So as your Chair of the Hawaiian Affairs Committee working with other Chairs of this Body, this bill has been crafted to enable and to allow for the Department of Hawaiian Homelands to meet their responsibility to their beneficiaries. Why? Because right now even though they receive the $30 million in their Trust, they still have and continue, which is a good thing for Native Hawaiians have increased their wait-listed. But they've been only able to put about 500 to 1,000 homes on the lands.

"I have grave concerns about this, why? Because there could be more lawsuits. Because of that waitlist. And it's not about the land because the land is there. We need the infrastructure. We need that Trust Fund to build those revenues so that we don't have to take away ..."

Representative McKelvey rose to yield his time, and the Chair "so ordered."

Representative Carroll continued, stating:

"Thank you. We don't want to take away from the State Budget, however we do have that fiduciary responsibility.

"I believe that this bill through that pilot project which we can study, will allow the Department to put more homes on the lands, reduce that wait list, but work collaboratively with the beneficiaries in looking at how commercial leases are extended. But more importantly the hope is that they will also work with other organizations that help beneficiaries to help Native Hawaiians to also attain commercial leases so that we can all prosper.

"In closing Mr. Speaker, I'm very happy to say that this bill allows for the Department to work hand in hand with the beneficiaries and that all commercial lease revenues will go into the Department of Hawaiian Homelands Trust and any extended commercial leases, 15% of those proceeds will go to the Native Hawaiian Rehabilitation Fund. I think that's a win-win situation.

"But also the Legislature still has the ability to reevaluate the situation through a resolution in four years, which we put in the Committee Report because we certainly want to continue that transparency. We want to evaluate how this project is working, and look at public policy that will enable the Department of Hawaiian Homelands to meet their mission, but more importantly as a Member of this Body that the State meets their fiduciary responsibility. Thank you, very much."

Representative Shimabukuro rose to speak in support of the measure, stating:

"In strong support, and I just would like to adopt the words of the Chair of the Hawaiian Affairs Committee," and the Chair "so ordered." (By reference only.)

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you. Also in strong support and would just like to adopt the impassioned words of the Chair of Hawaiian Affairs as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I have the same request, except for the gaming remarks. I would not follow her there. And may I give a few additional remarks?

"Mr. Speaker, it's a great day for the 1920 Organic Act when the Hawaiian community was promised they'd have either a home, or a lot, or a home on a lot, and for years and years we've kept postponing that promise. This bill gives leverage to be able to do that faster and more efficiently.

"And you know there are 10 to 20,000 people on that waiting list. I commend the Chair of the Hawaiian Affairs Committee who really stuck to her guns in the Conference Committee of which I was a part of. As well as commending Micah Kane and Kaulana Park for the leadership they're showing, and how they can leverage funds and not just wait and wait and wait which is now 90 years of waiting. We still haven't done it, so this is really the right step, the right policy, at the right time. Thank you, Mr. Speaker."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and just brief comments. First of all Mr. Speaker, I would like to thank the Chair of Hawaiian Affairs. She came in, in the 11th hour helping us when we had a title issue. I want to thank you Mr. Speaker, as well as the Senate President for providing a waiver so that we had this vehicle to insert this portion of the bill regarding extended leases. I also want to really thank and congratulate one of our staffers, Melissa Miranda-Johnson who is the Committee Clerk and Office Manager for Chair Ito. She's now worked on this bill for four

years and this was truly a passion of hers and I really want to thank her, as well as the Office Manager for the Chair of Hawaiian Affairs, Jan Salcedo.

"As the Representative from Hawaii Kai noted, this is long overdue. This bill will now allow the DHHL to have a revenue stream coming in particularly after 2015 so that DHHL can continue on with their mission and that is to get people, their beneficiaries, off the waiting list and get them into their homes. It gives them the ability to be self-reliant and self-sustainable. And we want to thank also former Chair Micah Kane, as well as current Chair Kaulana Park, as well as Mr. Bobby Hall who always remained tenacious, as well as Dreana Kalili who also remained tenacious. They spent many hours with us here working tirelessly on this bill. And Mr. Speaker, may I request permission to enter additional written comments into the Journal. Thank you."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.B. 1015, H.D. 1, S.D. 2, C.D. 1. This bill allows the Department of Hawaiian Homelands to extend its commercial leases, to up to 85 years total, which will expand its options in generating revenue to fulfill its mission by attracting top commercial leases. The law sets a process for DHHL to consult with the Hawaiian community prior to leasing land for commercial or multipurpose projects, to ensure that the long-term lease extensions go to developments that are of sufficient value and meet the priorities of the community. The bill also specifies that 15% of the revenues from the extended leases will go to the Native Hawaiian Rehabilitation Fund, which delivers directly to the beneficiaries through grants, scholarships and other community programs. Finally, this bill creates a temporary pilot program that allows DHHL to begin construction on housing and other projects without having the full, and final amounts of capital at the outset of the project, which will help DHHL to more expediently fulfill its mission to provide residential lands and housing to native Hawaiians.

"This bill is essential to DHHL's future success in meeting its mission. Currently, DHHL receives $30 million per year from the State as a settlement, but this money will stop in 2015. This bill gives DHHL the ability to expand a critical revenue stream that will allow the Department to compensate for the impending drop in revenue. DHHL currently earns some revenue from 65-year commercial leases, but those terms have limited DHHL's ability to attract substantial investment in the proposed commercial lease properties, because commercial lessees need the security of a longer lease to obtain financing for construction and to spread out the repayment of its costs. By allowing the lease terms to be extended, the Department will be able to further its mission of effectively managing the Hawaiian Home Lands trust and providing lands for native Hawaiians for residential, agricultural and commercial purposes.

"Ultimately, this bill enables the Department of Hawaiian Home Lands to work more effectively and efficiently, which, in turn, benefits all the lessees and applicants of the Hawaiian Home Lands trust. The increased revenue will help the Department build more homes, giving more DHHL applicants the opportunity for homeownership. The revenues will also benefit current homeowners and other members of the Hawaiian community by funding community centers and other facilities. Finally, by attracting large commercial projects close to homestead communities, the extended leases can help create jobs close to home, resulting in less traffic and a higher quality of life.

"The bottom line is that H.B. 1015, H.D. 1, S.D. 2, C.D. 1 is essential to DHHL's future self-sufficiency as it faces the impending loss of a significant portion of its revenue and looks for ways to continue to meet its core mission. For the foregoing reasons, I strongly support this measure. Thank you, Mr. Speaker."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. And may I ask that the words of the Chair of the Hawaiian Affairs Committee be inserted as if they were my own, as well as the Vice-Chair of Water, Land to be inserted as if they were my own. And in the spirit of collaboration, the Representative from Hawaii Kai as if they were my own? Thank you," and the Chair "so ordered." (By reference only.)

Representative Awana rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. I am a homestead lessee," and the Chair ruled, "no conflict."

Representative Awana continued in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support and ask that the comments made by the Representative from Hana be entered into the Journal as if they were my own. Thank you Mr. Speaker," and the Chair "so ordered." (By reference only.)

Representative Sagum rose in support of the measure and asked that the remarks of Representative Tokioka be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. And I would also want to have the remarks of the Chair of Hawaiian Affairs as my own. Thank you for your hard work."

Representative Carroll rose to respond, stating:

"Thank you, Mr. Speaker. *E kala mai.* There's also another person I must also thank and that is the Chair of Finance because of his due diligence, and his patience with us. But also, because of his wisdom we were able to move this forward. So I would like to thank him very much, and the staff that has assisted us on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1015, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TRUST FUND," passed Final Reading by a vote of 51 ayes.

At 12:02 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1015, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 155-10 and H.B. No. 2377, HD 3, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2377, HD 3, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker and Members. I wish to speak in opposition to this measure. Mr. Speaker and Members, I believe that this measure is premature. We don't know whether the public will vote for the elimination of the Board of Education and come up with a new plan. So this bill should at least wait until the vote is taken by the public, and not be so presumptive as to assume that it's going to pass. I've always been told that it's more difficult to 'bet on a come,' than it is to 'bet on a don't come.'

"And also Mr. Speaker, if you look at this bill, this bill will not provide the checks and balances that we are seeking. Rather it will provide more power to the centralize office of the Governor who will be having the final say as the bill goes along. This Board will merely be making recommendations. The final call will be with the Governor. So I don't really see any major improvements for the Board of Education with this measure, or with the other measure that we passed. Thank you, very much."

Representative McKelvey rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Bertram rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This bill is regarding the Board of Education appointment and selection advisory council. I am in opposition. Thank you. The purpose of this bill is to improve the accountability of Hawaii's public education system by requiring the members of the Board of Education to be nominated and, with the advice and consent of the Senate, appointed by the Governor from pools of qualified candidates presented to the Governor by the Board of Education Candidate Nomination Commission.

"And that purpose statement Mr. Speaker, is the exact reason why I am in opposition to this bill. Mr. Speaker, I've spoken time after time on the Floor about this bill and my opposition to this bill, because what it does is in its efforts to say 'improving accountability,' to me it does just the opposite. It doesn't give us the kind of accountability that we need in order to improve our situation for the teachers and the principles at the school level. It doesn't give us the kind of direct responsibility, clear direction, or accountability when we're in situations where we want to say, 'What happened?' What happened to, whether it be test scores. What happened to money? What happened to whatever's going on in the education system, the decision making.

"Currently in the existing system, there is no way to say who is ultimately responsible. Mr. Speaker, the Governor has gotten a lot of bad press having to do with why isn't she solving this Furlough Friday problem. Mr. Speaker, the bottom line, as I've spoken about before, there is a root problem to all of this and that the government structure is part of that.

"As I've mentioned yesterday, the Department of Education almost operates like a separate part of government. A separate branch of government currently, and we need to correct this. I decided that I was going to change my vote on the constitutional amendment that changed it from an elected Board of Education, to an appointed Board of Education because I felt that maybe we can go in this direction and maybe I'll support it and see what our constituencies will say.

"But this description that says already there is a line of groups that come into the decision making process on who will be the Board, instead of directly letting the Governor choose from a big pool of qualified candidates. Not one that has been put through a strainer by all these different other people. We always say that its politics that's going to play in this system. Mr. Speaker, I think that's such a false statement because there's politics in the system that we're in now. That's why we're stuck in Furlough Fridays.

"Mr. Speaker, I think we can do much better than this. And if it means killing this bill this time around and waiting for a constitutional amendment to pass, then that's what we should do. And Mr. Speaker, could you please enter my previous comments from my prior times speaking on this bill, the constitutional amendment, into the Journal, as well as my remarks on Third Reading. Thank you," and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Thank you. Yesterday I spoke contrary to Speaker Emeritus' position on the constitutional amendment. Today I join him in opposition to this component of changing our educational system, our planned structure of how we run education in this State.

"I said yesterday that the people are afraid of change. The status quo is the best; to go along, get along. But to change things, it disrupts things. The difficulty with this bill Mr. Speaker, is that it shows that we're denying that we want to change in the constitutional amendment. We say that we want to change, but this one denies that. It puts a 'half a loaf' as my colleague just said, of politicization into the process. I think the statement was very apt. The reason why furloughs have not ended is because of the politics in the structure of the situation.

"As I've said many times, and I don't usually quote Congressman Abercrombie, but he said it's like a rectangular firing squad. Everybody blames the next, and the other person. Or if you live in a round house, you can never be corned.

"And Mr. Speaker, this bill is starting to corner again the opposition between the Legislative and the Executive. These appointments by you Mr. Speaker, and this has nothing to do with you personally, or to the President of the Senate who has the filtering to get those people on board. But it puts back the polemic of the Legislature against the Executive. We need to hold the Executive accountable if we're going to give her or him the position to keep education on track.

"Mr. Speaker, the difficulty is in this, this is where the politics is rather shocking because a former member of the Board of Education told me that after the election, there was excitement, and there the enthusiasm, and the honeymoon of being an elected official for the first time. In their orientation with the Board of Education was, 'Yeah, yeah. You're the Board. You're elected. But we run the show.'

"Mr. Speaker, we have got to have accountability in who runs the show and who's responsible. Accountably, again the 'A' word, the accountability is what we need. We can't be 43rd in the nation and be proud of it. We can't have furloughs with only 163 days of the year to be proud of it. We need change, and this bill denies the change because it puts the politics back which we were intended to take out. Thank you, Mr. Speaker."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I guess I'm in support of this measure. It's very ironic to me that my colleagues from Maui on one hand, opposes this measure because it somehow gives too much power to Governor. And then my colleagues from across the aisle oppose it because it doesn't give enough authority to the Governor. It's a very interesting paradox here.

"Let me take a couple points. First of all the Department of Education is not a separate branch of government. Anyone knows that, so I don't need to clarify that in any way, shape or form. But secondly, initially the Lingle-Aiona Administration and the Minority supported abolishing the Board of Education and having just the Governor appoint the Superintendent of Education, and that has morphed into I suppose, tepid support for now, for an appointed Board.

"But you know Mr. Speaker, if you're going to go with an appointed or elected Board, let's see what the real test is. The real test if whether or not any type of governance structure leads to better student achievement, because despite the politics that might be imbedded or not within any particular governance system, we are doing this because we believe that it holds the best potential to improving student achievement.

"So let's look at the issue of an appointed Board versus no Board at all. Let's look at NAEP scores and I think all of us know the National Assessment of Education Progress which is known as the nation's report card, if you will. It gives an 'apples to apples' comparison of test scores across the board. The Minority Leader asserts that an appointed Board, in previous speeches on the Floor, is fake reform. Perhaps in her, I suspect rebuttal, she can explain what her research has shown as far as how many states have no state board of education and what they have done in terms of student achievement.

"My research shows that Hawaii has made greater gains in NAEP over the past six years than those states that have no state board of education. To prove a nexus between student achievement and boards I think is a very tricky matter, but nevertheless, 8 of the top 10 states in terms of NAEP have appointed boards.

"Now let me get to the crux of the issue regarding the Selection Council. It's interesting that people believe that this prevents the Governor from

appointing highly qualified candidates. Mr. Speaker, the way we approve our judges is precisely in this method and no one has said we should abolish the Judicial Selection Commission and let the Governor appoint whoever he or she wants to sit on the bench. And in fact, we have heard complaints over the years of judges being soft on crimes, too pro-criminal, anti-victim, whatever the case may be. Heck, why don't we introduce a bill to get rid of the Judicial Selection Commission and have the Governor appoint judges unilaterally.

"But the second and the most important point Mr. Speaker, is that despite my good friend, the Speaker Emeritus, talking about the Governor having too much power. I will trust my colleagues on the other side, on the Senate side because any person who is nominated for a judgeship, for a Board of Regents seat, or this anticipated appointed Board of Education has to be confirmed by the Senate. That will allow public hearings and you know how those things work. To simply assert that the Senate 'rubber stamps' every nominee that comes before them, you know is simply not true.

"So this is not the perfect bill. If I had my druthers it would have been slightly different by the way, but I do believe it represents a compromise with the various parties that came forward and said what they believed would work in the best interest and hold the highest potential for increasing student achievement. No bill is ever perfect Mr. Speaker, but I think this represents a good faith effort. Thank you."

Representative Souki rose to respond, stating:

"Yes, thank you very much. In rebuttal. Again Mr. Speaker and Members, I need to reemphasize that this bill is premature. We don't know what the outcome is going to be of the ballot.

"And number two, again, the current Board that we have, the elected Board of Education has policy-making powers that we have given them through legislation to make policy for the Board of Education. With this appointed Board, they don't have the policy-making power. The policy-making power will belong to the Governor. One man, or one woman will be able to make the call, and that is a dangerous precedent.

"I don't think there is anywhere on the mainland that we have one person making the call. And this is a large system that we have. We have over 167,000 students. 12,000 or 13,000 teachers. Yes it's not a separate branch of government, but maybe it should be because of its size, and its complexity. But this bill, at this point in time, is not necessary Members. Thank you, very much."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Yes, I would like to still be in opposition, but I would like to respond and rebut. Mr. Speaker, first of all I'd like to clarify that I said it's like a separate branch of government. I did my government studies when I was in the fourth grade. I realize the Department of Education is not a separate branch of government. However it does operate like one sometimes, and I did say, 'like.'

"Mr. Speaker, what's happening in this bill is, it basically sandwiches the Governor, whoever that Governor will be. Democrat, Republican, whatever. Black, white, red. It will sandwich the Governor between two bodies. The Senate with advice and consent, and before that appointment by a whole bunch of different people. This group that will strain, like I said, and choose the people who would choose the candidates that will be moved forward to the Governor. Mr. Speaker, that really lessens the pool.

"Mr. Speaker, I will also say that yes, there is a situation where there's the Washington D.C. Mayor who appointed Chancellor Rhee, and Chancellor Rhee went in, proved herself through higher test scores, did some radical changes, but because the Mayor had her back, and they had an agreement that if she was going to do it her way, that she needed the Mayor's complete confidence to move forward. And now they're starting to see the fruits when the rest of the country is actually not doing as well, she's showing student achievement. Mr. Speaker, and she got a lot of bite back from the community and everybody. But what you need is that clear commitment that you're going to do this despite what the union says, despite what the community says, that you need to have that clear commitment and focus on the student. That is something that we did not have when we were talking about whether or not we're going to have Furlough Fridays, or pay cuts, or whatever it was. Whatever they were talking about.

"Mr. Speaker, this is really important because we went through the appointed Board. And from my understanding, I wasn't here. I think I may have been a year old when we had an appointed Board. But we had an appointed Board. My understanding is that it changed to an elected Board to help students and student achievement. And then we went through this whole thing called SCBMs for community control. That failed because communities felt they didn't have the ability to speak into their schools and make decisions. Then we did Act 51 six years ago. That is failing. All the quote-unquote, 'promises,' that we promised to give communities control and have 70% expended by the schools, principal contracts, all of those things - not working, Mr. Speaker."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I will just finish up in saying that year after year. And I had said in an earlier speech that my son was five years old when we started this. He's half way through of his young education. By the time we get something really concrete where we can move forward for student achievement, he will graduate from school. So yes, I am going to fight for this, Mr. Speaker, because I'm not even thinking that it's going to work for this year, next year, or the year after that. But hopefully by the next generation, we will have a system that has accountability. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. I'd like to first adopt the words of the Chairman of Education as if they were my own. Thank you. I'd also like to congratulate him, and thank him for his work on not only this bill, but the other bill relating to the constitutional amendment. As you know, I had some concerns when the first bill came to the House Floor on first Crossover. I said then, and I'll say it again, that as long as those issues are addressed, I think we can be proud of the product. And I can tell you today that those issues were addressed.

"In fact the most significant one really relates to our Neighbor Island colleagues. As you recall, the Board was really an at-large Board of Education. It didn't have a requirement for representation as it relates to residency on each island. Today I can say that looking forward, this new Board will have representation throughout the State and I think that's very important, number one.

"Number two, I think we should support this bill because this bill actually provides the Governor with the mechanism, utilizing the Council to vet prospective Board members. You know, it takes a lot of hard work to come up with lists of appointees to recommend to the State Senate, and I think in this particular process you're going to have able-bodied people appointed by the Governor, the Senate President, the Speaker, and actually four members appointed by the Hawaii P20 Council of which two of those members shall be parents, and one member from the business or nonprofit community, and one of those final four members to be an educator. I think that's quite significant, I think that provides for a very thorough process, a very thorough selection process. One that will provide the Governor, whoever he or she is at the time, enough of a listing of well-qualified candidates to become Board members.

"A few years ago we instituted this change at the Board of Regents at the University of Hawaii as you know. We did have some concerns. We did have some issues. And in fact the issues and concerns were not just with this Governor. It was with the last Governor too. And I think we can all agree that the process of selecting the Board of Regents at the University of Hawaii is a better process now. Now that we have agreed to create the Candidate Advisory Council from which the Governor can choose and

select and recommend to the Senate, members of the Board of Education. So I think this process is a good one, and we should embrace it.

"The final thing I'd like to say is this. The last time the constitutional amendment hit the ballot box and allowed the voters of this State to take a position on this particular issue was 1994. It's been 16 years, Mr. Speaker. That's a long time, and I think it's about time that we provide the voters with this opportunity to decide this issue once again. And as you know, things are much different now. We've got tremendous support from a wide variety of constituencies including the business community and I would say even the education community. So let the voters decide on this particular issue.

"Finally Mr. Speaker, and the reason why I think this bill is very important, if you look at the constitutional amendment it says that we shall have an appointed Board of Education as provided by law. I do believe that it's incumbent upon us and it is fair to provide the voters of this State with our intentions prior to them going into the voting booth. By passing this bill it makes it very clear to the voters of this State our intentions once and for all, hopefully if this Constitutional amendment passes. Thank you, Mr. Speaker."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I wish to request that the words of the Chair of Education, as well as the Representative from Pearl City be entered as my own. And if I might just add to what they have shared with us. This is an opportunity for fresh thinking and to approach education from a different perspective.

"When I first came back from college and started teaching in the Department of Education, and then continue my career as a middle school principal and student activities coordinator, what became really clear to me is that what happens in the classroom really is impacted by the adults that are making decisions regarding what's supposed to happen in the classroom.

"And when there's reference to politics being played out, politics to me as I've been here in the last few years, really refers to maintaining the status quo. And if what we want to do is move beyond the gridlock of the status quo right now because we've, everyone, says that the schools are not working and pieces of the school need to be transformed and reformed, then we must go beyond what we already know. Putting children in front of all of our decision making and making them the focus is really what we need to begin doing, and as long as we have been discussing this issue of Furlough Fridays and funding, it is the platform, it is the politics of adults discussing this that seemed to keep us in this gridlock.

"One of the thoughts I wish our colleagues to remember is that the origins of public schools in Hawaii is not the same as it is on the continent. On the continent, the civic mission of public schools was to prepare young people to participate in representative democracy as informed citizens, as gainfully employed, as community activists if you will. The word activism has a really bad connotation here, but if we look at the root word of active, that's really what this bill is calling for. It is calling for the Board of Education to be active in policy making and the underlying bill, this particular bill for a process to enable adults to be part of the process without the concern of platforms, being elected, having constituencies pressing on them.

"The public schools in Hawaii were created for the 'have-nots' and that is a paradigm that needs to change. As long as we maintain the same framework of governance, the same framework of doing things the way we've always done them, no matter how much we change the student weighted formula, no matter how much we change what buildings are painted, and what the classroom size is, we will not change the paradigm and the framework with which our children go to our public schools.

"One of the things that I would hope is that our colleagues take a look at this new process of determining who would be vetted, or who would be nominated for the Board of Education and look at qualifications that are necessary for a policy making body that will be governing the operations of public entity that also has a lot of private and economic influences. So I would encourage our colleagues to really not be so afraid of change. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, there was a specious argument given that I think needs to be rebutted, and that was by the Chair of Education who said that the Judicial Selection Commission is doing a great job and this is simply the same as that. Mr. Speaker, as far as I know, the Governor is not concerned about the results of what happens in the courtroom, nor does she have any area of concern with the processes other than what is designated by law.

"In this context, these people will be held accountable by the government, by the Governor. The Governor has no accountability for what the judges do, so to say that this is the same as having a Judicial Selection Committee is specious. It's not relevant, and should be discarded. Thank you."

Representative Takumi rose to respond, stating:

"Thank you very much, Mr. Speaker. In rebuttal. Speciousness is in the eye of the beholder, Mr. Speaker. I believe the selection of Board of Ed members is just as, if not more important than the selection of judges. So by using the same process, I think we are on the right path.

"To respond to the Speaker Emeritus, obviously there are examples. The Minority Leader mentioned one about Washington D.C. The New York City public schools have 1.2 million students, and 1,000 schools. The Chancellor of the public school system is a member of the Mayor's cabinet, so there are examples.

"Secondly to respond to point about the timeliness, and whether or not, why do this if the voters vote it down. I think it would be the height of irresponsibility to not have an underlying measure, and that if the voters decide to go for an appointed board, then we'll have to come back in January and go through the process of passing the underlying implementing legislation. So potentially, we could have a 'lame duck' board. The already elected board could serve for five or six months while we talk about how we're going to deal with the appointed board. This underlying bill will allow this appointed board to get moving relatively quickly if again, the voters decide to have this.

"To respond to the Minority Leader, she's mentioned over a number of times about Act 51 and how it's fake and all the rest of it. Mr. Speaker, I know that's not germane to this bill, but let me just say this.

"Let's look at a couple aspects of Act 51 that passed in 2004. Take de-linking. Prior to Act 51, only 20% of emergency calls, a school will call and say their toilets are broken or their windows are broken or whatever, only 20% of emergency calls were done within two hours. Now it's 98%. That's 98% of the time when a school calls and says we need an emergency repair, it is responded to within two hours. The Minority Leader might think that's fake, but I don't.

"Let's look at student achievement. Since 2003, Hawaii increased its scores in fourth grade math by nine points. The rest of the nation Mr. Speaker, five points. Keep in mind, a gain of ten points on the NAEP score is equivalent of a year's progress in that subject matter. Now I know the Minority Leader may not be able to rebut this again for a second, or third time and all the rest. I would welcome her sending to my office her research that compares that gain with any other state during that same equivalent period of time, and show me, show me what other states have had a greater gain in that NAEP score over that same period of time. I would welcome that. Thank you very much, Mr. Speaker."

Representative Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support with just a brief comment. One of the reasons that I'm supporting this measure is because in my mind, it forces the Board of Education to run a little more like the University's Board of Regents. That's a fair system, with a lot of checks and balances, and we see a lot of input. And when there's a problem at the University we know exactly who to hold accountable and the Legislature always does take action.

"In addition, the Board of Regents is a reflection of the Governor's Administration and that's always given the Governor a lot of incentive to take action when there's a problem. I believe that our democracy is about changing a system that needs improving, and I think that this is a fair measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2377, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 40 ayes to 11 noes, with Representatives Bertram, Carroll, Ching, Finnegan, Hanohano, Marumoto, McKelvey, Rhoads, Souki, Thielen and Ward voting no.

At 12:34 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2377, HD 3, SD 2, CD 1

Conf. Com. Rep. No. 156-10 and S.B. No. 2589, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2589, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

At 12:34 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m., with Vice Speaker Magaoay presiding.

Representative Finnegan rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Conf. Com. Rep. No. 156-10, in opposition, and a ruling on a conflict. My son goes to Voyager Public Charter School," and the Chair ruled, "no conflict."

Representative Finnegan continued in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I was really hoping for the best with this bill. This is a bill that relates to Charter Schools and the purpose of this measure is to require the Department of Education to give reasonable consideration to making available all or portions of the school facilities to Charter Schools when it considers whether to close a public Charter School. What it also does in this bill is it adds in some language regarding funding and funding formulas.

"Mr. Speaker, this has been a contentious part of Charter Schools because as you know, the Charter Schools feel like they have a really difficult time with the amount of money that they're given and appropriated by the Legislature and the Governor. And throughout the years, we've given them a pretty good funding formula, but when it comes down and when it goes through the system, it ends up not being what was originally, I guess, defined in the statute.

"What this particular bill does, and I appreciate some of the really good parts of it trying to have the Charter Schools have access to facilities, State facilities, as well as it does some other things in here that I do support. But overall it changes, it inserts some wording that to me is not good for the Charter School movement.

"The funding formula, by putting in just the simple words, 'general fund.' It basically changes some things in here that says, beginning with fiscal year 2010-2011 and each fiscal year thereafter, the non-facility general fund, that's the part that's inserted, per pupil funding request for Charter School students shall be the same as the general fund per pupil amount to the Department in the most recently approved Executive budget recommendation, and it goes on from there and inserts general fund throughout the bill.

"Mr. Speaker, the reason why I'm against just having the general fund area is because time and time again, when we talk about Charter Schools and equal funding, the portion is not whether or not the general fund is the only portion that should be given to the Charter Schools, but all of the other funds whether it be federal funds, whether it be all the different kinds of modes of funding that we have for the Department of Education should also be included in there. And what this does is it takes Charter Schools from at one point in time, receiving some, still not equal funding because facilities funding and all of this other stuff, and it starts to deteriorate, and deteriorate, and now it would be equivalent to what I believe is around $5,500 per student.

"Mr. Speaker, that's a real small amount for these Charter Schools to operate on. And I understand that many of the Members don't really understand the way that Charter Schools operate, or the funding formula, and how that works, but that really is kind of like the 'poison pill' in this bill.

"There is another part of this that I think is difficult. And when people are looking for loans, whether it be for building their schools, there's a part in here that is a good part, but we don't know what the repercussions of that part will be and that is the review of the Charter School detailed implementation plan. I just said for the Charter Panel to have that responsibility to do it every six years.

"I'm not sure. I have to look and see what else the language says, but if you lose your charter because the Charter Panel does not respond within that six-year period or does not review the school, how does that affect the school, as well as when you have that kind of language in the statute, will the banks make a commitment to help fund facilities for these Charter Schools if they see that it's possible the school may close down in six years?

"So because of those things, I am going to be voting no, but I would also like to just say I realize that there were many efforts to try and help the Charter Schools this year and I'm not sure. I don't think it was intentional, but I do know that that's the effect that will take place in the formula, as well as I feel it would happen with the facilities. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict. At my law firm, I represent some Charter Schools. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

At 12:49 o'clock a.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 2589, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 157-10 and S.B. No. 2124, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2124, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support of the measure, but with reservations. Thank you. I strongly support getting the students back into school. I think everyone in this Body does want that, but I also felt that we could have done it a different way. And in fact we did on our budget that is up online that I believe our Hawaii Kai Representative

will probably mention. We could have done it without making this anything other than a loan.

"In talking with some of the experts in this State, they were mentioning that we generally are subject to hurricanes about every 10 years. We're 17 years out now, which means that in the event we're hit with a hurricane, we're going to have a much lower amount in the Hawaii Hurricane Relief Fund and that's going to impact everyone in the State. So I think that had we done this taking it out as a loan, it would have been a much wiser move, and I'm sorry to see that that isn't in the final version. Thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I think the Governor spoke quite eloquently on the purpose of the Hurricane Relief Fund and it's relation to the purpose of this particular bill. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with reservations and a request for written comments, but a brief comment at present. Mr. Speaker, at the beginning of this Session, the priority of not only this Caucus, but I'm sure everyone here was to end Furlough Fridays. This bill pushes it down to where we can fund it, but it puts a hole in the budget. Blows a hole in the budget down the line of which this Caucus, with this floor amendment tried to say, 'You don't need to do that.' And my colleague from Kailua referred to the online budget that lists all the revenues, all the expenses, all the choices. And by just putting an 'X' to it, you can increase or decrease the ending balances.

"Mr. Speaker, we don't need to raid this Fund. We don't need to put in jeopardy the people of Hawaii in the event there is a hurricane, in the event that these funds are needed. We can simply pay it back, and I can't see any reason even politically, or intellectually, or whatever, why do we have to raid the Fund? It's not needed economically, and why we're doing it politically, I'm just confused. So Mr. Speaker, this is a good bill, but it has consequences which are not good. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in support of SB 2124, relating to the Hurricane Relief Fund. The bill raids the Fund to restore instructional days for the 2010-2011 school year. The goal of the Minority Caucus for the 2010 Session was to end the school furloughs, but we should borrow the funds – just as I proposed in a floor amendment last week. When the government takes money from the people for a specific purpose, the government should keep its word. This bill doesn't do that, and it doesn't provide assurances that the money taken out of the fund will ever be returned. On top of that, the bill ignores Charter Schools and doesn't recognize those who took pay cuts in order to keep their schools open when others simply stopped working.

"Unfortunately, though, this is the only bill we have to end school furloughs. There's a lot that's wrong with it, but I'm confident that we can introduce solutions to the many problems it has next year. For these reasons, Mr. Speaker, I support SB 2124."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. First of all, I don't know. You can go to the spreadsheet any day. I'm not sure, but I saw part of the plan that was to take the county TAT, which would have raised property taxes, but that aside.

"First let me go to the Hurricane Relief Fund. For many people I think there's a little misnomer of what it is. It was set up many years ago, not to provide an emergency fund to provide emergency relief. It was setup as an insurance fund, and why is because after Iniki, it did so much damage that many insurance companies left the State. They stopped offering insurance coverage. So if you went to a bank to get a loan, the bank required hurricane insurance. So if you couldn't get the insurance, you couldn't get a loan.

"And that's why this fund was set up. It was to help the real estate market and the bank market. It had nothing to do with setting aside emergency funds to help the people of Hawaii in a state of emergency. It was for purposes of commerce.

"I'm not sure why people are referring to this as if we take the money the people will be exposed. There are many things that will happen should a hurricane hit including FEMA, as well as other State resources to come in to ensure the public safety and health. But the Hurricane Relief Fund was not meant to be one of them. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. May I have the words of the previous speaker entered in the record as if they were my own? And just for the edification of everyone, the Hawaii Hurricane Relief Fund Program has sunsetted. There is no Hurricane Relief Program right now. This is just a fund. And second of all, many of reinsurers left the market because they were also big players in the Florida market, and Andrew and Iniki hit almost simultaneously that same year, Mr. Speaker.

"So I just want to reemphasize the words of the previous speaker and there is no Hurricane Relief Fund Program because the program has sunsetted. What you have is this money, and if this is what it takes to put our kids back to school, then I believe it's for good use. But it's not available to the public for hurricane disasters. It's not meant for that and the program is no longer in existence. Thank you, very much."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Still with reservations. I was here during the period when we put together legislation that established the Hurricane Relief Fund and it was for the purpose of being able to buy reinsurance so we would be able to provide the coverage for the homeowners in Hawaii. The difficulty is, that it's not if we're hit with a hurricane, it's when. It will happen and we're going to be in the same situation where we're going to not have the adequate funds to be able to buy reinsurance to be able to provide then, and to get the insurance companies back into Hawaii.

"We've been through that once before. It was a very scary time for people. A very scary time and this legislation was crafted with a lot of thought to take care of that kind of a situation and that's why the loan would have been more prudent and the loan would have made everyone safer in Hawaii. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I was on the CPC Committee when we established this Fund and it was right after Iniki. We had to rush in and do something like one of the previous speakers said. We had to provide insurance so that we could get loans to buy homes.

"Now for those who think they have a continuing financial interest in it, you already got what you paid for. You bought an insurance policy. Your home is covered. And when that policy lapsed, you no longer had interest in this Fund. The Fund just sits there. It is not a hurricane insurance fund. It should be a reinsurance fund, but it's not.

"It should be transferred and made into a natural disaster fund, but it is appropriate to use this fund because when you paid into an insurance fund, you got a policy. And when that policy lapsed, you no longer have an interest anymore than you have an interest in State Farm who covered your home last year and there was no hurricane. You have no financial interest in State Farm."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise reluctantly in support, but with some deep reservations. Thank you, Mr. Speaker. I'm voting in favor of this measure because it's the only way it seems we're going to be able to restore

those instructional days, and that has been a great disappointment. It would be putting it lightly to say it's a disappointment for the people of Hawaii.

"But an additional disappointment is that we are really raiding this Fund, and aside from whether or not it's going to be used for hurricanes later or what have you, it's the message we send. Again the message we send to the taxpayer is that if we say we're going to have you pay into a fund for this purpose, just know that years may go by and we're going to take it.

"I know that was part of the conversation earlier. And what we're doing is we're not using the Fund for what we said. So we're basically telling the taxpayer, 'Yeah we're going to take this money, but now we're going to use it when we have to,' which is to me in part why I think some people just don't trust us that much. Thank you."

At 12:59 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker, I'm going to start off being with reservations and depending upon how I end with this bill, I may turn my vote into a no. But, with reservations for now.

"Mr. Speaker, I know that this is a very serious subject and after reading this bill and having a good conversation with the Finance Chair, I do want to explain my deep reservations on this bill. Prior to this CD 1, which I didn't have the opportunity to see in Conference Committee when we voted, it was a bill in the House Draft form that had language for Charter Schools and giving money back to Charter Schools with the same language of intention and all of this stuff for furlough days, or instructional days. It's no longer in this bill, so basically now, not only does it take out the specific language for Charter Schools, but it also takes out the expending agency of the CSA or the Charter School Administration office.

"My understanding is that doesn't necessarily mean that the money cannot go to the Charter Schools, but if it was intentionally left out and it has to go through the DOE, now the Charter Schools are at the will of the Department of Education on whether or not their instruction days will be fulfilled through this money.

"Second point Mr. Speaker, is after taking a look at the specific language on page 3 it says, 'It is the intent of this Legislature that the moneys appropriated by this Act be expended solely for the purpose of restoring public school instructional days and that no moneys appropriated by this Act be transferred or used for any purpose other than restoring these instructional days.'

"If I take what I think is instructional days, then if there are schools out there that decide they're going to go through the HSTA and change their professional days or PD days to instructional days, or if they trade any of those days out, because now those days become instructional days, you cannot get money from this bill.

"That penalizes those who make the decision to bring back their kids to school even though they might have suffered, whether it be teachers, or principals, or whatever. I think because they made that decision to change those days that this bill will not give them back money. It's only for instructional days. So if they have three instructional days left, they will be able to get those three days paid for, but if they traded those days and they had three days that they traded, you wouldn't be able to bring them back from the money in this bill, from what I read.

"The second thing is for instance, the school that my son attends, my understanding is that they did take a pay cut. So if they take a pay cut and now they have their professional days, they took a pay cut, they're coming in, they have the instructional days. Because the teachers took a pay cut, this doesn't allow them to put the money back to reinstate the money that they should be earning whether it be four percent or whatever it might be. But it doesn't allow that because again, it states over here, 'the money appropriated will be expended solely for the purpose of restoring public school instructional days.'

"Now, making a decision. What do I do? Missing also in here is it doesn't have the chance. I think we should have expanded it. If we wanted to, we could have put in the missing language in here. It doesn't have 2009 to 2010, so even if there was agreement ..."

Representative Manahan rose, stating:

"I think somebody should yield their time. Thank you."

Vice Speaker Magaoay responded, stating:

"Her time is not up yet. Representative Finnegan, please proceed."

Representative Finnegan continued, stating:

"Thank you for being so attentive, Representative. The missing '2009 and 2010' language in here doesn't give the flexibility that if they did come back to the table, that we could use this money for 2009-2010.

"And then the last thing, regarding reinsurance. Absolutely, I believe whether or not the Fund says that it could be used for reinsurance or whatever the Fund is called, this pot of money, I realize 100%, understand this to be exactly what the Representative from Ka'u explained it to be. That this is a pot of money that I think we can use for reinsurance purposes. When the Representative from Kaneohe was talking about how this helps the banks and this helps the real estate market. I don't see it as the banks and the real estate market. I see it as the people who ..."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"It's okay. I won't be long. Just a short part to this is when you're talking about helping banks and helping real estate. It really is about helping people. There were families that needed to refinance. I was in the business at the time. There were families that needed to refinance. There were families that needed to take cash out to do repairs or whatever to their homes. These are families and people, not banks and the real estate market.

"The reason why they needed that, and the possibility of foreclosure on their home because they didn't have insurance on their home, and possibly a foreclosure of their home. We were helping people. Getting them insurance or getting them this reinsurance so that they could enter the market again so that we could have mortgages on the properties.

"So that's why it's important, Mr. Speaker. It's not, it's a Fund. It also in that time, served us well in our bond rating because they saw this as reserves for the State. So Mr. Speaker, I think in my conclusion, I will be voting no. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. The reason why I rise in support is, if we support ending furloughs in our schools we have got to support this bill. If you vote no, you're saying you want furloughs to continue. There's no other option, Mr. Speaker. The Governor even has come down and told us that she urges us to pass this particular bill. We need this bill. If you want furloughs to end, you must support this bill.

"I know we have concerns regarding the Hurricane Fund. Everybody struggled with using the Hurricane Fund, but we need to end furloughs and this is how we're going to do it. Thank you, Mr. Speaker."

Representative Pine rose to speak in opposition to the measure, stating:

"I'll be voting in opposition, Mr. Speaker. But I do want to publicly say that I do support ending furloughs. What I'm against is bad government, and this is bad government. People want to believe in us. That when they

give us their hard-earned dollar, that we're going to use it for what we promised them what we're going to use it for.

"So we promised them that we'll use their dollar for a natural disaster, but instead we're stealing it from them and using it for a manmade disaster. That's what this has been about; a manmade disaster. It has never been about the kids. It always been about a power struggle. And instead of us really being able to take the time to really discuss how we got to this place because of a failure in leaders to really make a strong educational system that really produces the results that our kids need.

"I have struggled with this vote all Session. But in the end, it's the message that we're going to send to these very kids that we're trying to get back into school. And that is, if I promise you that I'm going to give you a dollar if you do this, and then later on, 'Oh you know, I made a mistake. I made a mistake so you can't have that dollar for what I promised you for.'

"To me, this is just really about a vision for the future. Instead right now we're scrambling to pick up the pieces of our mistakes. I'm very proud of all the parents and the students that came here to protest what has happened in the school furloughs because we all are to blame. And we easily just brush them off our shoulders, saying that we're not to blame anymore. We're going to take this money and we're going to use it to end this problem. We're the hero.

"I just can't sleep at night knowing that in 2012, we're going to be exactly where we are today because this funds only the school year for 2010 to 2011. Which fund are we going to raid next? Because the economy is going to be just as bad.

"I want to deeply apologize to all those people who feel that I am against ending furloughs. That couldn't be farther from the truth, and that is why I supported a borrowing of these funds which means that, we tell that kid that we promise to give them a dollar for an action that they would do. And then we'll say, 'You know what? Some bad things happened. I can't give it back to you this time. But I might keep my word that I'm going to give it back to you when I have money again. When I fix the mistake that I made.'

"It's just so important for us to build a trust because by fixing this problem here, we're going to make people happy that they're going to go back to school. But tomorrow we're going to hear from the people that paid into this Fund and we can debate all we want about, well technically this Fund was for something else, so technically we don't need it anymore. Technically FEMA will be here. But we gave our word to the people that we would use this money in relation to natural disasters. What are we going to say when that hurricane hits? God forbid it happens very soon and we don't have the money to deal with the situation. Then we're going to be scrambling once again, Mr. Speaker.

"Again I apologize to my colleagues for disagreeing with you on this issue, and to all the kids, and the teachers, and the parents. I do support you."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I will be brief. I'm in favor of this bill and I think it's very necessary that we get our kids back into school. I think that's what the citizens out there expect us to do. If there's one thing we should do this year, it is to get our kids back to school. And I would say that the Legislature has done its share. We are putting up $67 million to restore teaching days and I think that our actions speak very loud.

"Now this money will be released pending agreement by all stakeholders in this. All parties must get together at the negotiating table and make this happen via collective bargaining, and that includes the Governor, the Board of Education, the Department of Education, and the HSTA. So we're doing our share. Now it's up to them. The money's there and we've got to get our kids back to school.

"There's a Japanese saying, *'Kodomo no tame ni,*' which means: For the sake of the children. So for that reason, I'm very glad we are passing this measure. Mahalo."

Representative Belatti rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on two potential conflicts. My law firm is representing a class of students, public school students, who are challenging the furloughs for this year and next year," and the Chair ruled, "no conflict."

Representative Belatti continued, stating:

"My second conflict Mr. Speaker, is that my daughter will be entering kindergarten at public school next year, and I detest these furloughs," and the Chair ruled, "no conflict."

Representative Belatti continued in support of the measure, stating:

"For that reason, for my daughter, and for the 178,999 other students who are in the public schools, I support this bill. Thank you."

Representative Herkes rose to respond, stating:

"Thank you, Mr. Speaker. Still in support. We established HHRF as a direct insurer so that you could get a hurricane insurance policy on your home so that you go get a loan or whatever you needed to do. And so it was a direct insurance company. You paid the premium into HHRF. When your policy lapsed, you no longer had a financial interest in HHRF.

"To say that we put money in this so that this Fund will help us for the next hurricane, if a hurricane comes, this Fund is not going to go fix your house because this Fund has no interest in your house. And so let's not be misleading the public about this issue."

Representative Thielen rose, stating:

"Mr. Speaker, just a point of clarification. Thank you. I understand what the speaker from the Big Island is saying. What we're saying is, the Fund was put together and sold to the insurance policy holder to buy reinsurance."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. There's no such thing as a point of clarification. She either gets to rebut, or that's it. Thank you."

Representative Thielen: "My point of clarification is that it was to ..."

Representative B. Oshiro: "Point of order, Mr. Speaker. Again, there is no such thing as a point of clarification. Unless she can point it out in this *Mason's,* I would suggest she either rise on a point of order, or a point of inquiry, or you rise on rebuttal. That's it."

Representative Thielen: "I'll do a point of whatever you ask me to say it."

Vice Speaker Magaoay: "Representative Thielen, you have a choice. You have a choice or you sit down."

Representative B. Oshiro: "It's not my choice. I would suggest she read *Mason's* and follow the manual's procedure."

Vice Speaker Magaoay: "Representative Thielen, you have a choice. Or you can sit down."

Representative Thielen: "A point of inquiry, or a point of personal privilege. It was to buy reinsurance. That is ultimately what helped the homeowners because it would bring the insurance market back into the State."

Representative B. Oshiro: "Point of order, Mr. Speaker. A point of personal privilege as defined under *Mason's* section number 223 is not what she's talking about. Thank you."

Vice Speaker Magaoay: "Thank you, Representative Blake Oshiro. Representative Thielen, please sit down. Thank you, very much."

Representative Chong rose to respond, stating:

"Thank you, Mr. Speaker. I just would like to give some comments in rebuttal. First of all, I find myself in agreement with the Representative from Pearlridge. He said it best. A vote of no on this bill is a vote to continue furloughs. Plain and simple. This is it. This is what's in front of us. This is the solution for now.

"Secondly, is to clarify my characterization. Yes, it was for homeowners. I totally understand that. But I was just trying to make the distinction that this isn't to save people's houses or to provide emergency relief. This is an insurance fund just like the Representative from Ka'u and Kailua had said.

"Third. Yes, let us go back to the original intent. Act 339, Session Laws of 1993 when this was originally enacted. And part G, upon dissolution of the fund the net moneys of the Hurricane Reserve Trust Fund shall revert back to the State general fund. Everybody knew this was the deal. This is not what we were talking about necessarily because the Fund is still in existence, but I think everybody knew at the time when the program dissolves, there is no question where the money goes. Is this the perfect way? I'm not sure. But again, this is to ensure we get our kids back into school.

"And lastly, for those who have questions on the balance and meeting our obligation. Like the Representatives from Kailua and Ka'u said, your premium dollars went to purchase reinsurance. Reinsurance being, if we paid $100 million in premiums, you can take that money and provide coverage for say, a $1 billion in asset because the Fund would never have enough money to pay off a catastrophic loss. So where did the reserve come from? The reserve that we see in the Fund now, the $180-plus million is not premium money. This was the homeowner's premium that you see today. This is the surcharge assessment that was paid in part on the conveyance tax. But by in large, property and casualty insurance assessment, motor vehicle, homeowner, commercial reinsurance. Everybody else who had nothing to do with homeowner's insurance paid into this Fund to help capitalize it because premiums were not going to provide enough capital. So the reserves that you see in the Fund are not people's premium left over from the 1990's, but from people who were charged a surcharge on the property and casualty lines. Thank you."

Representative Souki rose, stating:

"Mr. Speaker, as a 'dinosaur' from the 1990's, I call for the question."

At this time, Representative Souki called for the previous question.

At 1:21 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

At this time, the Chair announced:

"Members, the question has been called. If you would like to submit your remarks for or against, the Chair will allow you to."

Representative Pine rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine written remarks are as follows:

"Mr. Speaker, I rise in opposition against Senate Bill 2124, Relating to the Hawaii Hurricane Relief Fund. This bill will appropriate funds from the Hawaii Hurricane Relief Fund to restore instructional days for the 2010-2011 school year.

"The Hawaii Hurricane Relief Fund was set up in 1993 by Act 339 to provide hurricane insurance for consumers purchasing new homes. After Hurricane Iniki devastated Kauai and Oahu in 1992, private insurance companies refused to offer hurricane coverage in their policies. Hurricane coverage was a requirement in order to obtain a mortgage when purchasing a new home. Therefore, any consumer who chose to purchase a new home had no choice but to purchase hurricane insurance from the Hawaii Hurricane Relief Fund.

"Many of my constituents support ending furloughs, and restoring instructional days, but strongly oppose raiding the HHRF as the solution. Some would like the money they paid into the Fund refunded to them. Others believe that the HHRF should be set up as a rainy day fund in order to address future disaster mitigation.

"Some believe that the Fund should stay as is. In the event of a future hurricane, there is a possibility that private insurance companies could once again refuse to issue hurricane coverage. The HHRF would address this issue once again, and begin issuing hurricane policies immediately.

"On a fiscal note, the vast sum of money sitting in the HHRF is a benefit to the State of Hawaii. Having a large cash reserve is a positive impact on the State's bond rating. Raiding the HHRF could have a negative impact on the State's credit.

"Mr. Speaker, I support ending furloughs and restoring instructional days, but strongly believe that there were other solutions. Stealing money from the homeowner and raiding the HHRF was the easy solution. This Body should have found a more creative and bolder solution that would put children back in the classroom."

Representative Finnegan rose, stating:

"Mr. Speaker, I'm going to change my vote to a strong reservations Mr. Speaker, because this penalizes Mr. Speaker, those who made good decisions for our kids."

Representative McKelvey rose in support of the measure and asked that the remarks of Representatives Marumoto, Chong and Herkes be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ward rose, stating:

"Mr. Speaker, I have a point of personal privilege with the Majority Whip. He infused the TAT tax increase with a Minority's balance budget being that we took 20% of it. He implied ..."

The Chair addressed Representative Ward, stating:

"Representative Ward, that doesn't pertain to the bill before us."

Representative Ward: "So a point of personal privilege has no place before a call for the vote? Is that what you're saying?"

Vice Speaker Magaoay: "The debate is over."

Representative Ward: "The point is he misspoke."

Representative B. Oshiro: "Point of order, Mr. Speaker. Under *Mason's*, a point of personal privilege is only when a Representative has been aggrieved in their professional capacity as a Representative."

Representative Ward: "I spent hundreds of hours on that on-line budget."

Vice Speaker Magaoay: "Representative Ward, would you please sit down? A call for the question has been made. Either you're for the bill or ... Yes, Representative Ward."

Representative Ward: "I would like to rebut what otherwise in a democratic process you can usually say freely and openly as they do in the Senate. I have not changed my position of being for this measure with reservations."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks, and the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support S.B. 2643 S.D.2 H.D.1 C.D.1 which appropriates funds from the Hawaii Hurricane Relief Fund to restore instructional days for the 2010-2011 school year. If there was one task the Legislature needed to address this year, it was to provide funding to restore instructional days to our public schools.

"It is pointless for the Legislature to place blame for the existence of Furlough Fridays. It is what it is. I do not doubt that Furlough Fridays resulted from difficult decisions made by the Governor in restricting educational funds and by the board of education, Department of Education, and Hawaii State Teachers Association in addressing those restrictions in part with school furlough days. Hawaii's children have lost almost three weeks of instructional days during the current school year and stand to lose between seventeen to twenty-one days during the next school year.

"Prior to school furloughs the Hawaii Public School system was already struggling. If we believe the rhetoric that our children are our future, the Legislature must fulfill its role as appropriator of public funds to set aside the moneys that will be required to eliminate Furlough Fridays.

"As our colleague from Waiau has summarized, this is the only vehicle before us to address the furloughs and a vote against the bill is a vote to do nothing.

"I urge my colleagues to vote in favor of this measure."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill No. 2124, Conference Draft 1, Relating to the Hawaii Hurricane Relief Fund. This bill appropriates $67 million from the Hawaii Hurricane Relief Fund to restore public school instructional days that were lost because of furloughs resulting from the collective bargaining agreement between the Governor, the Board of Education, the Department of Education, and the Hawaii State Teachers Association.

"I would like to explain the reasons why I support this bill:

"As stated in the purpose clause of the bill, Hawaii is in the midst of the most challenging economic times it has ever faced. To address this situation, the Administration, the Board of Education, the Department of Education, and the Hawaii State Teachers Association took the unprecedented step of instituting furlough days for Hawaii's educational system, resulting in the loss of nearly three weeks of instructional days during the current 2009-2010 school year and anywhere from seventeen to twenty-one days during the next 2010-2011 school year.

"This Legislature found that the loss of these instructional days may have profound impact on our youth. Not only will this be devastating to the quality of their education, but it may undoubtedly affect their ability to thrive in the workforce. It is essential that we provide our young citizens with the basic skills needed to enter a post-high school educational endeavor, obtain and retain good-paying jobs, and that can only happen if our educational system is providing essential skills to our youth.

"From a public policy standpoint, this bill stands as a major shift from the way things were done in the past. Never before has the Legislature approved additional resources to supplement a previously approved collective bargaining agreement for a single bargaining unit over those of all the others. And already, the ramifications of this policy shift are reverberating among the halls of the public sector unions, likely causing many to reevaluate the way they will need to negotiate their contracts in the future to survive. They will also need to find better ways of obtaining public acceptance and support for their cause. Still, this is an unprecedented act of the Legislature to open its purse strings and allocate a sum of money, no more or less, and leave on the table for the bargaining parties to expend.

"Be that as it may, by supporting this bill, we are stating that education is of utmost importance to the prosperity, health, and growth of the entire State – that despite the realities of severe budget cuts, the elimination of programs and services, and the need to look for additional sources of revenue, this Legislature saw fit to appropriate $67 million in extremely limited resources to send our kids back to school. Never before had we had to do this. And hopefully, with the recovery of our economy, we will never have to do this again.

"For the record, Mr. Speaker, I want to make three very important points. First, to all of the public sector unions, I urge the bargaining representatives to work together for the benefit of all. Desperate times have called for desperate actions, and it is in that context that this bill should be viewed. It should in no way be construed as the Legislature putting one bargaining unit ahead of the rest. During these times of reduction-in-force, furloughs, and pay cuts, solidarity among the collective bargaining units is even more essential.

"It needs to be emphasized over and over that the current Administration that created this debacle will only be with us for less than six more months. I ask that our public union leaders and all good men and women in our public sector not allow the "seeds of resentment" to find fertile ground among your members. Seek *lokahi* and *laulima* and ensure that the "seeds of dissention" scattered among you by Governor Lingle will not be given any room to grow. Her Administration is coming to its unimpressive ending. We must heal these wounds and stand committed to preserving what is best for the common good and those who remain.

"Second, there is a misconception that the use of funds from the Hurricane Relief Fund is somehow a misappropriation of public moneys for unintended purposes. I want to make very clear that there is nothing inappropriate in using these funds to end furloughs.

"When the Legislature established the Hawaii Hurricane Relief Fund pursuant to the enactment of Act 339, Session Laws of Hawaii 1993, it was to ensure the continued provision of mortgage lending and commercial loans in the State. After the devastation caused by Hurricane Iniki and a worldwide insurance crisis precipitated by numerous natural disasters, property and casualty insurers in Hawaii were not able to obtain sufficient reinsurance – or insurance for the insurance companies to resolve simultaneous catastrophic claims for an entire region – to cover risks in this market. Many private insurers left Hawaii's market, or specifically excluded windstorm risks from homeowners' policies. Without that type of coverage, mortgage lenders refused to lend capital for the purchase of property, and unless something was done, this situation could have had a devastating impact to our economy.

"Accordingly, the Legislature created the Hurricane Relief Fund to "assess the availability of insurance from all sources and be empowered to take steps to provide coverage should the private market prove unreliable." Conceptually, the Hurricane Relief Fund was similar to the Joint Underwriting Plan utilized under Hawaii's No-fault Motor Vehicle Insurance Law which allows persons who are unable to obtain coverage through private insurers to obtain coverage in a manner that the risk to be spread among the entire market.

"In 2002, the Legislature enacted Act 179. SECTION 1 of the law is informative:

". . . The legislature finds that it is necessary to make the best possible use of all available resources, including using funds from the inactive hurricane reserve trust fund. This fund was originally created to provide hurricane insurance coverage to Hawaii homeowners during a

period when private insurance was unavailable or prohibitively expensive. Now that private insurance is readily available at reasonable prices, the fund is no longer issuing policies and the balance of the fund is unused. . ."

It should also be noted that Section 431P-16, Hawaii Revised Statutes, states:

". . . Money in the hurricane reserve trust fund may be. . . disbursed upon dissolution of the Hawaii hurricane relief fund; provided that. . . the net moneys in the hurricane reserve trust fund ***shall revert to the state general fund*** *after payments by the fund . . ." [Emphasis added.]*

"It is clear from the legislative history that the proceeds in the Hurricane Relief Fund were intended to address the lack of adequate property and casualty insurance coverage during the 1990, when private insurers left the Hawaii market. The Hurricane Relief Fund was a stop-gap measure modeled after the Joint Underwriting Plan to address this temporary situation. And when the market stabilized, the moneys in the fund were intended to revert to the General Fund.

"Mr. Speaker, the moneys in the Fund should be viewed as premiums for any insurance policy. During the term of coverage, the State indemnified the policy-holders for a premium. Once the term ended, the premium is kept by the indemnifier. That is its earnings for the risk covered. Would you expect Island Insurance to give back the premium to a motor vehicle insurance policy holder once the term ends if the policy holder didn't get into an accident? Would anyone expect HMSA to send us a rebate check if we were to go through a year without seeing the doctor for a cold? Or, does anyone really expect to receive a refund check from State Farm if we did not suffer any house fire or any wind and rain damage during the year? The same holds true here.

"Finally, my third point is this – Senate Bill No. 2124, Conference Draft 1, and its deviation from the past and traditional collective bargaining funding decisions of the Legislature is warranted to address an emergency occurring in our public schools that keeps our students out of their classrooms for far too many days. It is the exigent circumstances of the instant circumstance and it is not intended to establish a new approach to collective bargaining practice and procedure under the provisions of Chapter 89, Hawaii Revised Statutes, but is solely limited to addressing the present existing contract between the DOE, BOE, HSTA, and Governor regarding the School Years 2009-2011 and the teacher furloughs set forth therein.

"The parties, especially the DOE and BOE and HSTA should also take notice that in its Supplemental Agreement entered into between the parties, dated March 24, 2010, and ratified by the members of the HSTA on or about March 31, 2010, and paragraph 7, pertaining to funding levels contained with the Supplemental Budget Act of 2010, therein should not be viewed as having any bearing on or relevance to the decision of this Legislature to appropriate $67 million dollars in the instant bill. In fact, but for the fact that I had received a letter addressed to me, dated April 23, 2010, from Acting Superintendent Kathleen Matayoshi, expressing that the parties to the contract do not intend to effectuate the terms of the furlough provisions notwithstanding its placement in their Supplemental Agreement, I would not have supported this measure until such provision was stricken and made my public displeasure of such artifice even more acute and sensational.

"Mr. Speaker in this Member's humble opinion, such provision is null and void as against public policy and a clear violation of established constitutional powers reserved exclusively for the Legislative branch and future Board of Education members and Department of Education administration should reconsider such offensive and unconstitutional provisions in future agreements.

"For these aforementioned reasons, I urge my fellow colleagues to support this bill."

Representative Awana rose in support of the measure and asked that her written remarks, and the remarks of Representative Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. The purpose for this measure is to restore instructional days to our public schools. As a legislative body, because it is within our power to assist in this national embarrassment, I would encourage strong support for this bill. We cannot continue to have our students, young adults, our future leaders to go without. Someday, they will be influential in families, our neighborhoods, and our State and even in some cases, in our nation.

"Now is the time to empower our students with the skills needed to succeed in life. These skills are acquired in the classroom with teachers. This bill will provide the means for teachers to return to school and back in our classrooms with students. We can choose to do something, or do nothing, and I choose to do something and support this measure. This is the only measure – the only measure Mr. Speaker, that will get students and teachers back in the classroom. For these reasons, I stand in strong support. Thank you, Mr. Speaker."

Representative Sagum rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support of SB No 2124, SD2, HD1, CD1, that authorizes the use of the Hawaii Hurricane Relief Fund for restoring instructional days in our schools. Though I understand the concern about hurricanes on Kauai and the resulting issues affecting real estate transactions, I am equally concerned about our children's education, and support using this Fund (a program that has expired) to get our children back to school. This action sends a message urging the Governor and applicable labor unions to come to an agreement to end furlough days and restore our children's instructional days."

Representative M. Lee rose in support of the measure and asked that her written remarks, and the remarks of Representative Chong be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative M. Lee's written remarks are as follows:

"I rise in support of SB2124, SD2, HD1, CD1, which provides $67 million from the Hawaii Hurricane Relief Fund to end teacher furlough days at our public schools.

"Education is our most important priority and hopefully the Governor and all the concerned parties will soon agree to end the furloughs. I believe it was a misguided attempt to save money, and has had a damaging effect on our school system. I am grateful that we have passed HB2486, which requires minimum instructional hours to be phased in over the future years. We must not let furloughs happen again in our public schools.

"I urge the Members' support for SB2124."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2124, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Final Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

At 1:31 o'clock p.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 2124, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 158-10 and S.B. No. 2469, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2469, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Mizuno rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Mizuno's written remarks are as follows:

"Mr. Speaker I rise in support of SB2469. In 1999, the Legislature established the Emergency and Budget Reserve Fund as a temporary supplemental source of funding for the State of Hawaii in times of emergency, economic downturn, or unforeseen reduction in revenues. As set forth in section 328L-3, Hawaii Revised Statutes, specific purposes for the Fund include the maintaining of levels of programs determined to be essential to public health, safety, welfare, and education.

"The House and Senate Human Services Conference Committees determined that difficult economic times and declining tax revenues have resulted in budget cuts for all State services, and that some of the most vulnerable and needy members of the community will be the hardest hit by the reduction in services. Therefore, the Conference Committee finds that funding of certain programs and entities such as community centers, domestic violence shelters, the Shelter Plus program and housing placement services allows members of the community to continue working as opposed to being forced to quit their jobs due to economic downturn or personal difficulties. Funding programs such as respite services, the Kupuna Care Program, Volunteer Legal Services Hawaii, the Legal Aid Society of Hawaii, the Hawaii Family Law Clinic and the employment core services of the Office of Community Services promotes the hiring or retention of current staff positions, all of which in turn keeps our citizens working and fosters a stronger economy.

"Mr. Speaker and Members, during the most difficult recession in our State's history, we needed this bill to ensure essential services to Hawaii's most needy. We provided funding for services such as *kupuna* care, Meals on Wheels, domestic violence services and shelters, services for the disabled, immigrant services, caregivers, care homes, medical centers for sex abuse victims, gang reduction funding for Adult Friends for Youth, child care subsidy services, substance abuse treatment, housing for the homeless, HIV/AIDS services, mental health, uninsured healthcare for children, legal services, senior centers, and respite care. Today defined us as a State that cares for its most needy residents.

"I humbly ask all Members to support the passage of this most important bill for Hawaii's future."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. In support with just some reservations. Now this is a Fund that is good government because this is the Emergency and Budget Reserve Fund that was meant specifically for social services. That's what we promised the people of Hawaii that this would be for and so I'm very proud that we have kept our word to the people of Hawaii and we didn't use it for something else that it was supposedly going to be used for earlier this Session.

"My only reservation is that this is almost like a grant-in-aid list all over again, and I would have liked to see maybe a little bit more discussion. I know there was some in the Committees and stuff, but it wasn't something that was discussed a little bit more openly in this forum. So I really didn't see what was going to go into this until just a little while ago, but I'm very happy that we are going to help all those social services that are really truly the ones that are in need of these funds being used."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker. And I'll be very brief. I just would like to thank the Chair of Human Services, as well as the Chair of the Finance Committee and the members, and also the Way and Means Committee in the Senate, and the Human Services Committee in the Senate for thinking about the homeless population. I think if there's one blatant environmental issue that we need to take up in this Chamber, it is the blight that we see all the time. The things that we read in the paper, and the things that we're being criticized about of not taking care which is the homeless population. And I'm glad that even though it might like a grant-in-aid list, I'm happy it came about because we do need this funding for the homeless. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"I'm standing in strong support, would like the written comments of the Chair of Human Services inserted as my own, as well as additional comments. Thank you."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of S.B.2469, Relating to the Emergency and Budget Reserve Fund. This bill seeks to preserve programs that service the State of Hawaii's most vulnerable populations. By allocating moneys from the emergency and budget reserve fund to education, human services, and health programs, we will be ensuring that the shortfall in our budget does not translate into a shortfall in services that affect the wellbeing of our people.

"The passage of S.B.2469 will allow the State to maintain valuable programs including Healthy Start with an appropriation of $1,500,000, Senior Centers with an appropriation of $950,000, Kupuna Care with an appropriation of $3,000,000, programs that provide meals for the elderly with an appropriation of $500,000, Mental Health programs with an appropriation of $1,500,000, Keiki Care with an appropriation of $600,000 and Kokua Kalihi Valley with an appropriation of $500,000.

"With programs helping everyone from the *keiki* to the *kupuna*, I ask that you support the people of the State of Hawaii by standing in support of this bill."

Representative Shimabukuro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just need a ruling on a potential conflict. I work at the Legal Aid Society of Hawaii," and the Chair ruled, "no conflict."

Representative Shimabukuro continued in support of the measure, stating:

"I just want to send a quick *mahalo* to the many advocates who made this possible. We see all the green shirts of FOCUS up there. KKV, AARP, Lanakila Pacific, and many, many others that worked hard on this measure. That's so important for the safety net. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of S.B.2469 - Making an Emergency Appropriation for the Department Of Human Services to Address the Budget Shortfall for Hawaii QUEST.

"I support the services that these programs provide to those in need. I applaud the work of Kupuna Care Services, Catholic Charities Hawaii and Lanakila Senior Center, the Weed and Seed Program, and Moiliili Community Center, to name a few.

"As a longtime supporter of the business sector, I feel that using our tax base to fund these essential services will reduce the cost impact of Hawaii's future by providing aid to those who are most in need in this economic downturn. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict. I am on the Board of Directors for Legal Aid. Thank you," and the Chair ruled, "no conflict."

Representative Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And may I yield my space in the Journal to Chair Mizuno?"

Representative Aquino rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. May I submit written comments in strong support."

Representative Aquino's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. This bill is very timely, in fact overdue because it is a 'rainy day.' As you know Mr. Speaker, it has been raining for some time now due to the fiscal realities our State is facing.

"The purpose of this bill is to appropriate money from the Emergency and Budget Reserve Fund or the 'Rainy Day' fund to maintain key important programs and services needed by our communities. These educational, health, and human services programs are essential to many residents throughout the State because of the tough economic times we face. The budget cuts have negatively affected State services, affecting many within our needy and vulnerable populations. The appropriations in this bill, Mr. Speaker, will ensure that needed programs and services may continue to service those who need it most. For this reason, I support Senate Bill 2469."

Representative Nishimoto rose in support of the measure and asked that the remarks of Representative Mizuno be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2469, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Final Reading by a vote of 51 ayes.

At 1:35 o'clock p.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 2469, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 159-10 and H.B. No. 2774, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2774, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Final Reading by a vote of 51 ayes.

At 1:36 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2774, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 139-10 and H.B. No. 1948, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1382-10) recommending that H.R. No. 47, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 47, HD 1, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition and in mourning. What does that mean? It means that this resolution is a very poor substitute for which otherwise was probably the best bill other than getting rid of the furloughs in this Session.

"Mr. Speaker, this is a bill that would have put solar photovoltaic on every roof. It went through all of the House. It went through all of the Senate. And then suddenly, it died. Mr. Speaker, we have given so much attention to Hawaii Clean Energy, to self sufficiency, to getting rid of this $7 billion that we export every year, and we turn an otherwise golden piece of legislation into a resolution.

"We are damning with faint praise, as Shakespeare said, that which we should be holding up and saying, 'Yes, I'm proud to be a Member of this Legislature because of the good things that we did.' And I was proud to speak about this in so many places until suddenly, at the very end, at the 11th hour, this bill morphs from being a substantive, progressive, economically, viable, saving the footprint, saving the environment, saving the world to what now is a weak reso saying, 'Well, we're going to study the problem.'

"That's why we have Committee hearings Mr. Speaker. So we can work out differences. So special interests, whether it be the bankers, or the counties that don't get this yet because they don't see the lessons or follow them, that have already been on the mainland for a number of years.

"I see no excuse for this particular resolution. I see no excuse for us not putting photovoltaic on the roofs of the people, for solar energy on the roofs of the people, and because they have not been able to front the money for the last 30 years we haven't even gone beyond 25% with solar water heating and this would have pushed us way, way, way into the head, not only of the nation, but in the world.

"So Mr. Speaker, for those who stand up and say, 'Well that's not really true. We're going to do it next year.' I hope they really mean that because everybody meant it when they saw this bill before, that we meant business with getting rid of this dependency on oil. And for those who cried for the barrel tax, and those who cried for all of the other taxes to make this happen, I hope they can cry out for those people who are not going to have the solar on the roof, or the photovoltaic because we promised and then we took it away. For those reasons, Mr. Speaker, this is a great disappointment to see the best bill this Session other than furlough removal to be turned into a resolution. Thank you."

Representative Morita rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in support of this resolution. Without a doubt, some would like to give the impression that political posturing and bickering was the sole reason for the demise of House Bill 2643, the Property Assessed Clean Energy Program. The Speaker and I have taken the brunt of criticism for not moving House Bill 2643 into Conference, but it would probably be the Speaker and myself that would be saddled with the responsibility of mitigating inadvertent consequences of a half-baked idea.

"If one were to take a pragmatic and reasoned approached in analyzing House Bill 2643, simply put, it was not ready for 'prime time.' PACE is a property tax lien oriented financing that can be used as a tool to improve the economics of energy retrofits where the biggest barrier to their installation is coming up with the upfront cash to make such improvements.

"Unfortunately, PACE is a relatively new program fraught with lots of buzz and attractive sound bites. After all, who doesn't want to promote easy financing for clean energy? Let me make this very clear. There is nothing in statute that prevents each county within Hawaii from instituting a PACE program on their own. House Bill 2643 proposed floating State bonds and establishing a State revolving loan fund to filter funding to the counties for loans for property owners to install clean energy improvements where the loan repayments will be made through special assessments in the collection of property taxes. This is very different from what is happening in mainland cities where municipalities who are directly

responsible for assessing and collecting property tax are adopting the program by floating municipal bonds, not state bonds.

"Friday evening, while the mayors waited for word on the TAT bill, three out of four mayors, and I just didn't run into the fourth mayor, they pulled me aside to thank me for passing this resolution and not moving forward too quickly with the PACE bill. The mayors of each of our four counties were not totally sold on PACE and without buy-in from the counties, PACE simply will not work.

"So I guess the first question to be asked is, why should we move forward on a program that the counties are ambivalent about? As each county faces reduced revenues and budget shortfalls, the creation and administrative cost of a new program is of serious concerns and these issues were not resolved by the time the bill reached Conference stage.

"And Mr. Speaker, you probably have heard that the mortgage lenders are concerned about the priority of liens and rightfully so. This concern is not only being raised by Hawaii lenders alone, but lenders across the country. In a *Wall Street Journal* article, and just let me read this one part to you.

"It said, this debt would be senior to existing debt so if the homeowner defaults or goes into foreclosure it will be repaid before the mortgage lender gets any money. While property tax assessments are usually senior to existing property debt, cities have traditionally used their assessment authority for community-wide improvements like sewers and roads. Not for upgrades that homeowners elect to make on their own homes.

"You know, one of the challenges of PACE is ensuring that the bond rate, the interest rate for assessment and the administrative fees associated with the program are affordable and attractive enough to make the program a success. Currently, mortgage and home equity interest rates are very low and in many cases on the mainland people who initially signed up for PACE dropped out because it was far cheaper for them either to restructure their mortgage, or draw on their home equity.

"In an analysis for the Berkeley PACE program, it was found that property owners who were credit worthy and did not have a problem securing financing, just had to be motivated to make these improvements. Therefore, if PACE cannot compete with traditional financing, there may be a propensity for PACE programs to attract less worthy property owners."

Representative Wakai rose to yield his time, and the Chair "so ordered."

Representative Morita continued, stating:

"Thank you, Representative. Well just let me finish up. Mr. Speaker, overzealous proponents of PACE, like the Administration, may feel that this is a serious setback in our advancement for renewable energy and energy efficiency. However, it's not the lack of a PACE program that will put a brake on Hawaii's Clean Energy Initiative, but lack of funding overall to carry out the long-term strategy for energy and food security in Hawaii. It's the Governor's veto of the barrel tax last year, and again yesterday, that gives Hawaii's energy security strategy an uncertain future.

"All of the Energy Division's special funds and stimulus money will be sucked dry by the end of the next fiscal year, and their general funding will be jeopardized like any other program if we fail to fund this Division with a dedicated tax. The reality could be that there won't be anybody to run a PACE program in the next Administration. So for these reasons, I strongly support a cautious approach in adopting this program. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Again, it's with heavy heart that I have to rise in opposition to this resolution. Because when I experienced the testimony in the Committee, I just couldn't with good heart, with the people and the faces you could see, vote even with reservations on it. And I'd like to at this time just read the testimony of the Sierra Club.

Testimony in opposition to HR47. Chair Morita and Members of the Committee:

The Hawaii Chapter of the Sierra Club opposes HR 47, which requests DBEDT work with "interested parties" and the counties to resolve purported problems with the Property Assessed Clean Energy program.

This resolution conflates questions - that have ready answers - to the level of "problems" seemingly to justify the House's current failure to act on HB 2643. This is a flimsy reed to stand on. By this summer, over 300 counties and one other state will have a fully functional PACE program. The details of these successful programs have been worked out. Hawaii, for a lack of political will, has yet to join them.

This is a little bit of a tale of two cities. The federal government, under Vice President Biden, just announced that 25 communities would be eligible to receive up to $452 million in Recovery Act funding to establish PACE programs. On the other hand, HR 47 seems to imply our proposed PACE program has problems without giving it a chance to set up.

On the 40th anniversary of Earth Day, wouldn't it be better to advance HB 2643 and attempt to capture some of the federal funds that are available? This act of political courage would not only create new green jobs in Hawaii, but it would also help your constituents save money and move the state towards meeting our renewable energy goals. Thank you for the opportunity to testify. Robert D. Harris, Director.

"Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this. Thank you. I'd like the words of the Chair of the Environmental and Energy Protection Committee entered into the Journal as if they were my own. Thank you.

"I don't think it's doomsday. In fact, I just wanted to educate our colleagues. As you know I'm a proponent of photovoltaic, and I just want you to know that currently, right now in the industry, things are going quite well. In fact, if you can't afford the $15,000 it costs to buy the system upfront, and then get the $10,000 in tax credits later, unfortunately a little later than we had expected, there are companies out there that are allowing homeowners to get interest-free loans that'll cover the amount of money that you will then get in tax refunds.

"So although this bill didn't pass, I think out there in the industry and out there in our communities, photovoltaic is being embraced and we should start looking at that area. In addition, Mr. Speaker, I think working with our Chair of Energy and Environmental Protection, we can be assured that the lenders of this State, the banks of this State will look favorably on installation of these types of systems. So although it's going to take us maybe a little bit longer to get this particular initiative passed, I think we should start taking a look at the opportunities that we have now in encouraging our constituents to take a look at this type of energy capture. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising with reservations on this measure. Thank you. Just so Members know, this isn't a House Concurrent Resolution. It's simply a House Resolution. And according to the Department of Business, Economic Development, and Tourism Director, Ted Liu, it's not necessary. So I'm going with reservations, but it's not necessary and it did use a lot of paper. Sorry about that.

"Director Liu was very articulate before our Committee, and in fact I believe he deserves a tremendous amount of credit from the Legislature and the people of Hawaii for all of his wonderful work in moving this State forward more than any other person with renewable energy. He's been outstanding. I would like Mr. Speaker, to have his testimony inserted in the Journal. I think it is three or four pages.

"The PACE program is going to go ahead, and as Director Liu indicated, this resolution isn't necessary. He's already pulling these groups together. They're working on it to implement the PACE program.

"The big loss is that Hawaii may not be able to tap into the federal money for the program that's being lead by Vice President Biden. I guess it's ARRA funding, and as my colleague from Liliha mentioned, it is $452 million. Had Hawaii been moving ahead with the bill becoming a law, which of course the Governor would have signed because this was her program, her objective to get this through. If we had moved ahead we would have been able to tap into some of that money, and that would have benefitted all the homeowners in this State that want to get into a PACE program.

"So I think that this is, once again where the Legislature doesn't show vision, doesn't show leadership, but it's happening instead or in spite of us, because it's being lead by Director Liu and by the Governor. Thank you."

Representative Thielen submitted the following testimony:

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LINDA LINGLE
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Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT
Thursday, April 22, 2010
9:30 AM
State Capitol, Conference Room 225

in consideration of
HR 47 Proposed HD 1

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE COUNTIES AND OTHER AFFECTED PARTIES TO RESOLVE THE PROBLEMS WITH THE CLEAN ENERGY BOND/PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM BILL

Chair Morita, Vice Chair Coffman, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) has concerns with the language of the proposed resolution. We are working with the counties and others to develop the best possible program, so this resolution is not needed. We are also concerned that the actual program and its intent are not accurately described in the resolution.

Had the clean energy bond bills been scheduled through to conference committee it would have been demonstrated that:

1. A collaborative and cooperative effort with the respective counties will be established through the formulation of an Advisory Council on the PACE program. This council will actively address the needs and issues relating to PACE program implementation.

2. The counties have already been informed that they will receive monetary and structural support to assist in the collection of the PACE assessment lien.

3. The administrative rules will be based on successful programs established in nineteen other states; this will address lenders' concerns.

We would like to take this opportunity to answer the questions presented in HR 47, Proposed HD1:

(1) What is the true burden on the counties with respect to administering the program -- for example, without limitation, the upgrading of software, separating the collection of regular real property taxes from loan repayments, and the handling of liens;

Answer: It has been communicated and established with the counties the existence of an operating budget with the PACE program and in conjunction with the PACE program Administrator to assist in the additional software and accounting requirements necessary for successful program implementation. In addition, passing this legislation this year would enable the ability to access stimulus money that will not be available next year.

(2) What jurisdiction should be responsible for underwriting loans and foreclosing on those loans when property owners default -- county or State

Answer: It has been established that the State will hire an independent PACE program Administrator that will possess the underwriting background to conduct the underwriting process and be actively involved in assisting the counties in the foreclosure process.

(3) Whether property owners with clean energy loans fully understand that their loan repayments will be in addition to their regular real property taxes and that they should not expect to be shielded from probable real property tax increases in the future

Answer: The establishment of the administrative rules would require disclosures to borrowers by the local government of the risks involved in borrowing, including the risk of foreclosure if a tax delinquency results from a default.

(4) Whether the interest rates on the loans will be affordable to most homeowners, given that the loan repayments must cover the entire debt service on the bonds plus state and county administrative expenses;

Answer: The original funding Structure of the GO reimbursable bond along with all encompassing administrative fees would have provided a very competitive fixed interest rate for the homeowner. Per White House guidelines at: Pacenow.org; principle that cost of paying off measure to be less than the cost of energy avoided.

(5) What type of government bonds should be issued for the program, given that the bonds changed from general obligation bonds to reimbursable general obligation bonds to revenue bonds through the different committee drafts of H.B. No. 2643

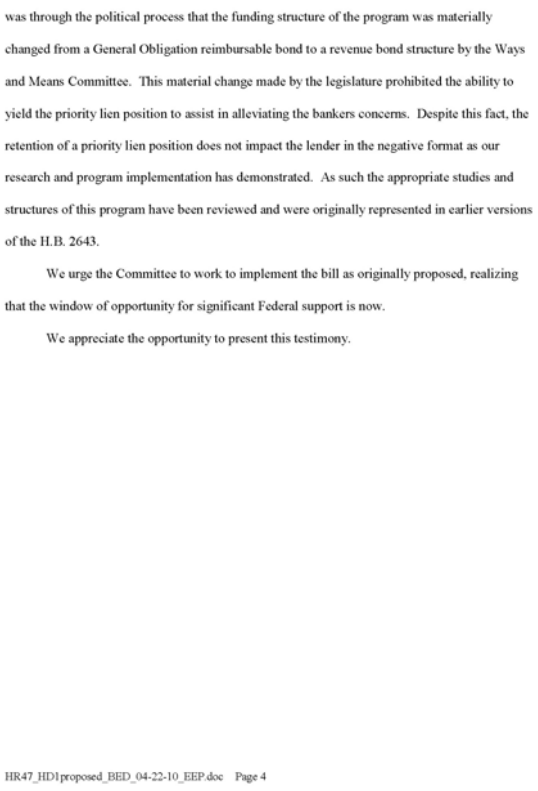
Answer: The original structure of H.B. 2643 had general obligation reimbursable bonds to provide for a less risky, more competitive interest rate to the homeowner. When the funding structure was changed by the Ways and Means Committee to revenue bonds, the retention of the priority lien status became critical for the program viability. General obligation reimbursable bonds would be the preferred structure to provide the best rates.

(6, 7) Questions:
Whether the interest rate, terms, and conditions of clean energy loans will in actuality be more advantageous than home equity loans to fund renewable energy systems; and

What the effect will be of prioritizing the clean energy loan lien above mortgage liens -- for example, will the subordination of mortgage loans result in higher mortgage interest rates in participating counties;

Answers: A home equity loan is a variable rate, meaning it can rise over time and the spending of the proceeds is solely at the discretion of the owner, meaning that there is no assurance that the consumer will utilize the proceeds for energy saving measures. A home equity loan is not for the public good. In addition, liquidity remains tight at the banks and the banks are not currently providing adequately enough to the energy loan space. The clean energy loan is a fixed competitive rate whereby the proceeds are directly disbursed to qualified contractors for the permanent instillation of energy saving equipment. PACE is for the public good. Further, as this loan program is classified as a special tax assessed lien, the effect on a lender is minimized by the fact that PACE loans are not accelerated by the triggering event of default. Anytime an increase in property tax or new assessment is levied on a property with an existing first mortgage, the lenders response is to increase the reserve amount required to be held in escrow to ensure the timely payment of taxes and assessments without the need to adjust the borrowers LTV and qualifying ratios. PACE is classified as an assessment and treated in the same manner.

We believe that the original structure of this legislative measure was conducive to its success in that it was modeled after many successful programs that are currently implemented. It



was through the political process that the funding structure of the program was materially changed from a General Obligation reimbursable bond to a revenue bond structure by the Ways and Means Committee. This material change made by the legislature prohibited the ability to yield the priority lien position to assist in alleviating the bankers concerns. Despite this fact, the retention of a priority lien position does not impact the lender in the negative format as our research and program implementation has demonstrated. As such the appropriate studies and structures of this program have been reviewed and were originally represented in earlier versions of the H.B. 2643.

We urge the Committee to work to implement the bill as originally proposed, realizing that the window of opportunity for significant Federal support is now.

We appreciate the opportunity to present this testimony.

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Representative Pine rose in support of the measure with reservations and asked that the remarks of Representatives Ching and Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. In strong support. I disagree with the arguments by the prior speaker from Kailua. I think if there was anyone with vision and the foresight to push Hawaii toward a renewable future it was our Chairperson of EEP from Kauai. She was personally recognized by the Governor as having the vision.

"And in fact, I think because of her vision we are here today. Unfortunately, it was the current Administration and the Director that put obstacles in the way of her fulfilling some of the things that she wanted to do. Thank you."

Representative Ward rose, stating:

"Mr. Speaker. May I request permission to ask the Chair of EEP to submit to a question?"

At 1:55 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:56 o'clock p.m.

Representative Ward rose to respond, stating:

"Mr. Speaker, I rise for the second time in rebuttal of the last statement. I was just clarifying that the Chair of EEP did say, and in reality there may be no one in the next Administration to administer this program. That was confirmed as the statement that was made.

"I find that shocking. I find that a huge disappointment regardless of whether it's Republican, or Democrat, or Independent. There should be no reason why this program does not go forward. She mentioned a lack of staffing, a lack of funding. Mr. Speaker, this is more important than this little Body, or who's Chair, and who's Speaker. This is an international energy issue which this State has to get the political will. And because of that statement, I think this doesn't pass the 'smell test.' If we don't have the political will to do this, we will never get our kids back in school. We'll never get our economy to turn around.

"This measure, in and of itself is a litmus test to how serious we are to making us a world class, energy self-sufficient place. And if we can stand up as the Chair of EEP and say, 'Well we may not have the will, or the money to have anybody to champion this program in the next year.' I find that disconcerting. So disappointing and discouraging to what must be the case.

"And I know the Representative from Pearl City said, 'Well, the private sector is going to be able to take the place of this upfront money from State bonds. Let's look at the history of 30 years of trying to get people to put solar water heaters on their roof. Tax incentives at the federal level. Tax incentives at the State level. We still only have 25% of the people of Hawaii with solar on their roof.

"Mr. Speaker, this is serious business. I hope we can rise above partisan politics, or blaming Administrations, or blaming people, or blaming parities, or blaming whatever we do, and do the right thing. Mr. Speaker, there's no reason why this Floor, in the next Session, in the next year, whoever is back should not have this as the first priority. Just like ending the furloughs was the first priority in 2010. Thank you, Mr. Speaker."

Representative Morita rose to respond, stating:

"Thank you, Mr. Speaker. Just a brief rebuttal. The real litmus test in supporting the Hawaii Clean Energy Initiative is the barrel tax or carbon tax. Otherwise, we do not have any funding to move forward."

Representative Thielen rose, stating:

"Mr. Speaker, that's not the measure before us. That is not the measure under discussion."

The Chair responded, stating:

"It's related to the discussion on the House Resolution before us now. Representative Morita, please proceed."

Representative Morita continued, stating:

"Thank you, Mr. Speaker. You know right now, as I mentioned earlier, there's nothing that precludes the counties from moving forward with a PACE-like program on the county level. What the bill had proposed is floating State bonds and a State revolving loan fund. Again, DBEDT can work directly with the counties in floating bonds and accessing federal stimulus money to run this program. As I said before, currently, right now, the interest rate on a PACE program may not be competitive with the conventional markets. All of these things have to be looked at.

"But I think what's more important is, again quoting from this *Wall Street Journal* article, that the regulator of Fannie Mae and Freddie Mac, which guarantee half of the nations $11 trillion in mortgages, has raised concerns in meetings about the program with federal and state officials. And Alfred Pollard, General Counsel for the mortgage companies' regulator, the Federal Housing Finance Agency, said he was worried about the problems that first-in-line loans would create. 'The goal of enhancing energy efficiency which we share, should not overcome the need for prudent underwriting,' he said. Fannie and Freddie are not allowed to speak out on public policy and the company declined to comment for this article.

"PACE advocates have lobbied for a measure barring Fannie and Freddie from taking any adverse action over the next two years on communities participating in PACE. Critics of the program say Fannie and Freddie or mortgage lenders themselves could raise rates in such

communities to cover the risks that a PACE loan will displace payments to mortgage holders. Cities could face legal challenges they say. The State of Maine is considering making energy loans junior to existing debt in legislation that would establish its PACE program. 'The fundamental problem is that there isn't a free lunch, but there often appears to be,' said William K. Black, a professor of Economics and Law at the University of Missouri Kansas City.

"I think what we're saying in this resolution is that there are many unanswered questions. If it's a good idea, then the good idea will survive the smell test right here, and will be a good idea for the next Session. But right now because of these potential problems that are pointed out, especially in this article, we should take a cautious and prudent approach in adopting a statewide program for PACE. Thank you."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong opposition to H.R. 47 - My concerns are with the language proposed in the resolution. The State is already working with the counties and others to develop the best possible program, so this resolution is not needed. I am also concerned that the actual program and its intent are not accurately described in the resolution.

"I believe that the original structure of this legislative measure, as H.B. 2643, was conducive to its success in that it was modeled after many successful programs that are currently implemented.

"Would it not be better to advance HB2643 and attempt to capture some of the federal funds that are available? The failure to move H.B. 2643 forward through Conference Committee is what many perceive as another good idea fallen victim to party politics. As lawmakers, we should all strive to propel all good ideas. Instead of moving forward with H.R. 47, let us advance H.B. 2643; in doing so we will create new green jobs in Hawaii, help residents save money, and move the state toward meeting our renewable energy goals. Thank you."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 47, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE COUNTIES AND OTHER AFFECTED PARTIES TO RESOLVE THE PROBLEMS WITH IMPLEMENTING A CLEAN ENERGY BOND/PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM ESTABLISHED IN THE DRAFTS OF HOUSE BILL NO. 2643," was adopted, with Representatives Ching and Ward voting no.

At 2:03 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:03 o'clock p.m., with the Speaker presiding.

FINAL ADOPTION

Representative B. Oshiro moved that the following House Concurrent Resolutions be adopted, seconded by Representative Evans:

H.C.R. No. 21, SD 1
H.C.R. No. 22, SD 1
H.C.R. No. 23, SD 1
H.C.R. No. 24, SD 1
H.C.R. No. 25, SD 1
H.C.R. No. 26, SD 1
H.C.R. No. 27, SD 1
H.C.R. No. 28, SD 1
H.C.R. No. 29, SD 1
H.C.R. No. 30, SD 1
H.C.R. No. 31, SD 1
H.C.R. No. 32, SD 1
H.C.R. No. 33, SD 1
H.C.R. No. 34, SD 1
H.C.R. No. 36, SD 1
H.C.R. No. 45, SD 1

Representative Shimabukuro rose to speak in opposition to the measures, stating:

"Yes, Mr. Speaker. I am in opposition and my comments will apply to all the resolutions, except for the last one on page 6, HCR No. 45. And basically, the first point I wanted to make is that I sent an email out to many of you and it was talking about the issue of the affordability of these homes and how long it lasts. I got some clarification from HHFDC and for the affordable homes listed on these resolutions, there's a 10-year buyback provision.

"The last time we debated these resolutions there was talk of the share appreciation equity. It is a very confusing requirement. The way it works, according to HHFDC is that it's not a barrier to selling your property after 10 years. It just requires that you share part of the profit with the State. So the bottom line is that after 10 years, these homes will be lost in the open market forever.

"The other point I wanted to make is that OHA testified against many of these resolutions, and the gist of their testimony is that the ceded lands inventory is not complete. They haven't completed figuring out what land is ceded and what is not, and that OHA does not have complete confidence in the DLNR's existing system to determine what is ceded and what is not ceded.

"When I talked about these resolutions to several people, I've heard comments like, 'It's only an apartment. It's only a house.' And I think that in this argument, I can see people talk about giving people the chance, and to have the 'American dream' of home ownership and that kind of thing. That is completely why I understand why HHFDC feels that way.

"But I want to tell the Members, try living on the Waianae Coast. In Waianae you cannot drive at all on the highway without seeing thousands of homeless people. Where I work at Legal Aid, I on a daily basis hear stories of people being evicted because they're hard on their luck. They became disabled, or they got laid off, etc. And then there's thousands of hidden homeless. You hear of people, 20 people living in a two-bedroom house. It's very common. And then the thousands of people on the waiting list for Hawaiian homelands, as we all know.

"So when people say it's only an apartment, my response is that that apartment, if it was kept in the land trust, could make a world of difference for a homeless family. The solution I see is I would like to see legislation proposed maybe next Session, somewhere down the line, that we would run HHFDC and some of the other agencies that are in charge of public land like DHHL, and really treat our public lands like a land trust for the benefit of all down the road.

"I really urge everyone to take a serious look at this because if we don't think of it this way, someday the whole State is going to look like the Waianae Coast with our homeless epidemic. So again, please consider carefully these resolutions. Mahalo."

The Chair then announced:

"Members of the House, for your edification, all these measures on pages 4 through 6, require a two-thirds vote. So for those who are opposed, because we need to have this two-thirds vote, please stand on each of these measures so the Clerk can count and determine if we have the two-thirds vote or not.

"This is a voice vote which will be taken at the conclusion of the House Concurrent Resolutions. Is there anyone else who is opposed to these? Please stand on the measures. This is in reference to the legislation that we had adopted last year where we need the two-thirds vote on public land sales.

"These are the 16 House Concurrent Resolutions dealing with the sale of these apartments, lands, etc. in every part of the State."

Representative Chong rose to speak in support of the measures, stating:

"Thank you Mr. Speaker, in support for all these measures. Again, as I said on the last time we voted on these measures before we sent this over to the Senate, these are apartments, many of which people are purchasing their fee, whether it be that they finally came up with the money, or it's being resold because of foreclosure. These are people's domiciles. There is the person living there. On one parcel, it is going to be where they are going to build affordable housing.

"I understand the concerns of the Representative from Makaha, that there is a homeless problem for us in this State, especially in her district. At the same time, these are resolutions to approve transactions which up until this point, were being administratively done. It is just waiting for our approval.

"The issue of homelessness and housing, is a very difficult both policy and human emotional issue, I don't think it is something that we're going to solve with these resos. That is something for perhaps next Session in developing a policy, whether it be keeping it in the inventory, versus appreciation sharing with the State, or more resources, the lessening of zoning and land use. Whichever it's going to be, I think it better resides there. I am appreciative that we have made, if I may Mr. Speaker, done certain things to address homelessness this Session and hopefully that will help address the speaker from Makaha's concerns.

"Lastly, in regards to OHA's concerns regarding HHFDC's claim that this is not ceded land. My only comment would be, I find that a little interesting being as how that was the system probably that the Administration used in coming up with the settlement that they reached between OHA and the Governor. They agreed that the list was okay, and now they're saying maybe not. So I find that a little odd. Thank you."

Representative Hanohano rose to speak in opposition to the measures, stating:

"Mahalo Ho'omalu 'ōlelo. Ke kū nei au e kūpono 'ole kēia mau kumu e pili ana ke ku'ai 'āina ma ka aoao 'ehā a hiki ka aoao 'eono. A'ohe pono ka mana'o. He ali'i ka 'āina, he kauwa ke kanaka. 'A'ohe 'āina, 'a'ohe po'e. 'O ka 'āina he mea nui no ka po'e kahiko. He aha ka ho'oilina e lawe ana no nā hanauna ma hope mākou? E hele akahele kākou ma kēia kumu mai uhauha kēia kumu waiwai. Mahalo."

Representative Hanohano provided the following translation:

Thank you, Mr. Speaker. I rise in opposition to this selling of land issue on page four to page six. This issue is not right. Land is the chief and man in the servant. No land, no people. Land is precious to our ancestors. What is the legacy we are leaving for our future generations to come? We need to move carefully with this issue. Don't waste our resources. Thank you.

The Chair addressed Representative Hanohano, stating:

"Representative Hanohano, you are in opposition to all 16 resolutions? Correct? Thank you."

Representative Berg rose to speak in opposition to the measures, stating:

"Thank you, Mr. Speaker. I also rise in opposition to all 16 of these measures. Thank you, and I ask that the words of the Representative from Waianae-Makaha be entered as my own.

"It's probably pointless to say anything about the need to preserve land at this particular moment, but I feel that we do need to pause at least, and recognize that what if these properties were acquired during the time of the monarchy? What if they are ceded lands? What if? We have so many land issues that are unresolved right now, and I just urge our colleagues to be more prudent and be more patient. Thank you."

Representative Awana rose to speak in opposition to the measures, stating:

"Thank you Mr. Speaker, I rise in opposition to all 16 measures as well. And I'd like to adopt the words from the Representative from Makaha as if they were my own. I'd also like to add written comments and share this.

"Ho'omalu 'ōlelo. Make make au ea pono na ho'olelo o kaluna. Maka 'āina na mai Puna, elike mea kou mana'o. Mahalo.

"I'd like to adopt the words from the Representative from Puna as if they were my own. Thank you."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in opposition. Mr. Speaker, my *kupuna* reminded me that it is the fiduciary responsibility of government to take care of the land. A thorough inventory of ceded and non-ceded lands has not been completed. In essence, the State can continue to lay claim to a parcel as being non-ceded on the clear fact that the inventory is not complete. The State has failed to complete this inventory and one needs to be done because like my *kupuna*, I too believe that government needs to take care of the land.

"As mentioned earlier by the Chair of Hawaiian Affairs on another measure, many native Hawaiians continue to patiently wait to receive their homestead lease. Unfortunately, some individuals die before their application is approved and to discuss selling land while the vast majority of our host culture goes without is unacceptable. For these reasons, I stand in opposition. Thank you, Mr. Speaker."

Representative C. Lee rose to speak in support of the measures with reservations, stating:

"Thank you, Mr. Speaker. Please note my reservations on House Concurrent Resolution No. 21 through 45, as found on pages 4 through 6."

Representative Souki rose to speak in support of the measures, stating:

"Yes, Mr. Speaker. I wish to speak in favor, however I need to explain that I have in the past said that I'm in opposition to the sale of State land. Basically I wanted for this to come to the Legislature for approval. And it's coming to this Body for its approval, so I'm in concert with that. Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Har rose to speak in support of the measures, stating:

"Thank you, Mr. Speaker. Just very brief comments in support of all of these resos. Mr. Speaker, I do apologize to the Members of this Body. I have been working with the Office of Hawaiian Affairs, as well as HHFDC and I'm proud to announce that I actually have had wonderful resolution. I spoke with Clyde Namu'o the other day, as well as Chair Haunani Apoliona regarding the resolutions and they made very clear that they felt comfortable based on a chart we had provided to them with respect to HCR No. 21, all the way through HCR No. 36 showing the origin of the lands, the date of acquisition, particularly with respect to the HHFDC parcels. And they did acknowledge that none of these were ceded lands.

"One other thing I'd like to note in response to a comment made from the Representative from Makaha. Act 176 does not require ceded land status, and so in the future, if this Body chooses to include that, we can certainly do so. But the fact that these resolutions do not contain that information is not a requirement. However, to ensure and placate the Office of Hawaiian Affairs, I did in fact provide to them this chart. I'm happy to announce that I do have a message and I can play it for the Members of this Body, from Mr. Namu'o basically stating that they were fine with all the resolutions in their amended form. They were happy with the fact that the Senate did in

fact amend them to include more information, particularly with respect to the requirements in Act 176. Thank you, Mr. Speaker."

Representative Saiki rose to speak in opposition to the measures, stating:

"Mr. Speaker, a no vote on all resolutions. I'd also like to note that Act 176 requires the Legislature to consider two factors in particular in these resolutions. The first is the purpose for which the land is being sold or given. The second is a detailed summary of any development plans for the land to be sold or given.

"The Makaha Representative should be commended for discussing these factors in her Floor speech today. Her analysis is germane to whether or not these transactions further housing policy in our State. Thank you, very much."

Representative C. Lee rose to speak in opposition to the measures, stating:

"Mr. Speaker, please note on page 6, just for House Concurrent Resolutions Nos. 33 and 36, I'd like no votes."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just wanted to note my reservations for HCR No. 33 only."

Representative Har rose to speak in support of the measure with reservations, stating:

"I'm sorry, Mr. Speaker. On HCR No. 33, SD 1, please note my reservations for the sole fact that there was a miscommunication between the DHHL, as well as HHFDC. I want it clearly noted in the record that the master development plan for Kapolei noted that this particular parcel was zoned residential and therefore could not be a park.

"Unfortunately, there was miscommunication between DHHL to the homesteaders in my district. As a result, some of the homesteaders are a bit upset about that. I've tried to explain to them that the issue really is not with us, but it's with DHHL. But in this case unfortunately, when HHFDC did present this resolution, they did tell two members of DHHL who failed to tell the homesteaders, and the homesteaders are a bit upset about this. So in any event, because of the lack of communication, I'll be voting with reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 21, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPAA, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 22, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 23, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 24, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 25, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 26, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 27, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 28, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 29, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 30, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 31, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 32, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 33, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, C. Lee, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 34, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 36, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII," was Adopted, with Representatives Awana, Berg, Hanohano, C. Lee, Saiki and Shimabukuro voting no, and with Representative Wooley being excused; and

H.C.R. No. 45, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU," was Adopted, with Representatives Awana, Berg, Hanohano and Saiki voting no, and with Representative Wooley being excused.

H.C.R. No. 51, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 51, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was Adopted, with Representative Wooley being excused.

H.C.R. No. 62, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 62, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was Adopted, with Representative Wooley being excused.

H.C.R. No. 68, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 68, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD AIDS DAY IN THE STATE OF HAWAII," was Adopted, with Representative Wooley being excused.

H.C.R. No. 212, SD 1:

Representative B. Oshiro moved that H.C.R. No. 212, SD 1, be Adopted, seconded by Representative Evans.

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.C.R. 212. As founder of the Heritage Caucus, I support and encourage the preservation of State and local landmarks by providing opportunities for students and residents to learn the history of the State. By placing a plaque commemorating and remembering the 100th anniversary of the Korean National Association, we are teaching our future generations about the unique cultural history of Hawaii.

"In the placement of this plaque on the premises of Washington Place, where the previous headquarters of the Korean National Association once stood, I recommend and encourage that those involved in the creation and implementation work with the Hawaii Capitol Cultural District. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 212, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was Adopted, with Representative Wooley being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to a certain House Bill. (Representative Wooley was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bill, seconded by Representative Evans:

H.B. No. 921, HD 1, (SD 2)

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bill. (Representative Wooley was excused.)

ANNOUNCEMENTS

Representative Ching: "Thank you. Very quickly. Because we're nearing 50 years of the State Capitol, I did want to announce that the gentleman who actually designed the State Capitol recently passed away.

"John Warnecke, the architect who helped build the Hawaii State Capitol, who was very good friends with President John and Jackie Kennedy, and who also designed the Eternal Flame that burns in Washington DC there at the tomb of the unknown soldier where John F. Kennedy is buried, passed away. His firm, along with Belt, Lemmon, & Lowe designed this State Capitol with its symbolism to reflect the uniqueness of the islands, extensive open space, and always to convey a sense of open government.

"'The Capitol is a beautiful building, an icon in Hawaii,' said Mr. Price, a prominent architect. And in Hawaii he specifically also designed this State Capitol to blend in with our brother next door, the 19th century Iolani Palace. And his motto was that to keep things simple. Thank you."

ADJOURNMENT

At 2:23 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Thursday, April 29, 2010. (Representatives Chang, Manahan and Nishimoto were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 28, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 7, 2010, and gives notice of intent to agree to the following House Bill:

H.B. No. 921, HD 1, SD 2

House Communication dated April 28, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 1015, HD 1, SD 2, CD 1
H.B. No. 2377, HD 3, SD 2, CD 1
H.B. No. 2774, HD 2, SD 2, CD 1
S.B. No. 2124, SD 2, HD 1, CD 1
S.B. No. 2469, SD 2, HD 2, CD 1
S.B. No. 2589, SD 2, HD 1, CD 1

House Communication dated April 28, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has adopted the following House Concurrent Resolutions:

H.C.R. No. 21, SD 1
H.C.R. No. 22, SD 1
H.C.R. No. 23, SD 1
H.C.R. No. 24, SD 1
H.C.R. No. 25, SD 1
H.C.R. No. 26, SD 1
H.C.R. No. 27, SD 1
H.C.R. No. 28, SD 1
H.C.R. No. 29, SD 1
H.C.R. No. 30, SD 1
H.C.R. No. 31, SD 1
H.C.R. No. 32, SD 1
H.C.R. No. 33, SD 1
H.C.R. No. 34, SD 1
H.C.R. No. 36, SD 1
H.C.R. No. 45, SD 1
H.C.R. No. 51, SD 1
H.C.R. No. 62, SD 1
H.C.R. No. 68, SD 1
H.C.R. No. 212, SD 1

SIXTIETH DAY

Thursday, April 29, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 10:16 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all Members present.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Forty-Third, Forty-Fourth and Forty-Fifth Days were approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 650 through 658) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 650, dated April 28, 2010, informing the House that the Senate has on April 7, 2010, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 2544, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU."

Sen. Com. No. 651, dated April 28, 2010, informing the House that the following bills have this day passed Final Reading:

H.B. No. 1015, HD 1, SD 2, CD 1
H.B. No. 2377, HD 3, SD 1, CD 1
H.B. No. 2774, HD 2, SD 2, CD 1
S.B. No. 2124, SD 2, HD 1, CD 1
S.B. No. 2469, SD 2, HD 2, CD 1
S.B. No. 2589, SD 2, HD 1, CD 1

Sen. Com. No. 652, transmitting H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTY OF KAUA'I TO RESTORE PRINCE KUHIO PARK TO ITS FORMER CONFIGURATION," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 653, transmitting H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 654, transmitting H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EFFICIENCY AND EFFECTIVENESS OF THE CHILD WELFARE SERVICES PROGRAM IN PROCESSING AND INVESTIGATING COMPLAINTS OF CHILD ABUSE AND NEGLECT AND MISUSE OF CHILD SUPPORT," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 655, transmitting H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 656, transmitting H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ECONOMIC STIMULUS OVERSIGHT COMMISSION TO EXPAND ITS MONITORING OF FEDERAL STIMULUS FUNDS AVAILABLE TO HAWAII," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 657, transmitting H.C.R. No. 282, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH," which was adopted by the Senate on April 28, 2010.

Sen. Com. No. 658, transmitting H.C.R. No. 288, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS," which was adopted by the Senate on April 28, 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Thielen introduced her daughter, Ms. Laura Thielen.

Representative Rhoads introduced his staff: office manager, Mr. Sonny Le; interns, Ms. Sarah Teehee and Ms. Heather Bach; and legislative aide Mr. Bert Kobayashi.

Representative Evans requested that the names of all permanent, session and volunteer staff be entered in the Journal.

The following is a list of all permanent, session and volunteer staff for the 2010 Legislative Session:

Representative Aquino: Maureen Andrade, Sherry Ann Bing, Kyle Kawada, Ruffalyne Sunajo, Jon Ortal

Representative Awana: Enoka Lucas, Lahela Aoki, Keonaona Lucas, Colleen Takenouchi, Russel Trachtman, Presley Salas, Fatou Cisse, Elenoa Fuka, Natalie Ilano

Representative Belatti: Lisa Carter, Ernesto Ganaden, Kerianne Pascua

Representative Berg: Jennifer Wilbur, Matthew Prellberg, Andrea Tamaira

Representative Bertram: Haunani Olds, Margaret Logotaeao, Charles St. Sure

Representative Brower: Cynthia Nyross, Traci Toguchi

Representative Cabanilla: Leon Rouse, Patrocinio Bolo, Rosebella Ellazar-Martinez, Philmund Lee, Christina Simms

Representative Carroll: Janice Salcedo, Momilani Awana, Jenny Quezon, Jerald Ulmer Jr., Nancy King

Representative Chang: Sharon Miranda, Barbara Anderson, Francine Kaneshige

Representative Ching: Leanne Cardwell, Elsie Anderson, Colette Devou, Michael Karem, Naomi Kusachi, Anna Wynn, Daphne-Jayne Corrales, Katherine Lau, Zhiheng 'Ivan' Xu, Kara Nelson, Leilani Ng

Representative Chong: Janis Higaki, Lody Aisha Allen, Karlton Tomomitsu, Janine Tully

Representative Choy: Carole Hagihara, Heather Lee, Pamela Seeney

Representative Coffman: Cynthia Apana, David Fanelli, Liane Miwa

Representative Evans: Tommie Suganuma, Baron Gushiken, Teriitavae Perez, Rachel Manuel, Marian Stone-Swanson, Nicole Saul

Representative Finnegan: Carrie Kealoha, Secily 'Malia' Gray, Tania Cortez-Camero, Aaron Johanson, Ashley McShane, Richard Lee Fale, Lanson 'Lance' Ho'opai, Jamie Moody

Representative Hanohano: Margaret 'Poni' Daines, Mary Baker, Kaliko Chin, Kristen Daines

Representative Har: Melissa Nilles, Mericia Palma Elmore, John Rankin, Megan Warren, Lori Wingard, Ann-Maile Yamasaki

Representative Herkes: Eloise Kuniyoshi, Rebecca Gardner, Noah Gibson, Davina Lam, Samuel Suen, Brian Yamane, Marlene Texeira

Representative Ito: Melissa Miranda-Johnson, Stephanie Macadangdang, George Okuda, Cori Sutter

Representative Karamatsu: Wayne Yagi, Harrison Kawate, Kenji Kimura, James Miura, Rafael Renteria, Shawn Ripley, Devon Uyehara

Representative Keith-Agaran: Ann Takaki, Amita Aung-Thwin, Brittany Yap

Representative C. Lee: Micah Young, Sara Young, Lina Le, Jolyn Adele Prieto

Representative M. Lee: Ann Thornock, Bree Davis, Ramona Ferreyra, Lloyd Nakahara

Representative Luke: Blayne Higa, Shirley Batad-Labisores, Janice Farrant, Nils Katahara

Representative Magaoay: Lawrence Sagaysay, Judy Fomin, Karess Purcell, Jordan Higa

Representative Manahan: Karen Kawamoto, Maria Fiedes Doctor, Alexandra Marie Jacinto, Irma Pena, Felix Yaranon Jr.

Representative Marumoto: Joan Shinn, Judith Fadrowsky, Spencer Lau Jr., Gaye Miyasaki, Maureen Muraoka, Jane Sinnott

Representative McKelvey: Leticia 'Tish' Acido-Mercado, Allan Garcia, Charles Wood, Christopher Bates, Ivan Kamanaokekai Levy, Alexander Price

Representative Mizuno: Joje May Mizuno, Michael Bouffard, Arianne Cameros, Erwin Gabrillo, Alice Nakama, Maria Sadaya, Allerstorfer, Paula Stockma, Raytan Vares

Representative Morita: Jennifer Lucien, Joshua Frost, Darcey Whitney

Representative Nakashima: Lori Hasegawa, Joy Kobayashi, Van Morita

Representative Nishimoto: Candace Van Buren, Lauren Easley, Nicole Kaaina, Ashley-Nicole Oshiro, Patricia 'Pat' Nishimoto, Jena Tadio

Representative B. Oshiro: Amoreena 'Reena' Rabago, Jacce Mikulanec, Kenneth Best, Melita Lani

Representative M. Oshiro: Tracy Kubota, Tiffany Aoyama, Lisa Asano-Beem, Michael Bomhoff, Nicholas Chong, Susan Fernandez, Michael Fisher, Mark Garedo, Leslie Goo, Kathleen Lee, Megan Muramatsu, Charin Tomomitsu, Ann Yuasa

Representative Pine: John Gollner, Thomas Berg, Maria Carmichael, Mariano Doctolero, Jame Schaedel, Eliza Talbot, Halley Hobson, Richard 'Ricky' Hobson

Representative Rhoads: Diane Dunphy, Sonny Le, Kapuaonalani Aiu-Yasuhara, CJ Burrell, Bertrand Kobayashi, Sara Teehee, Abigail Trenhaile

Representative Sagum: Melanie Kuroiwa-Steiner, Amy Maeda, Joyce Ohta, Florence Wakuya

Representative Saiki: Mallory Fujitani, Nathan Gyotoku, Katie Young, Sara Young

Representative Say: Gail Kakuda, Calvin Azama, Cassandra Song, Brian Takeshita

Representative Shimabukuro: Colleen Teramae, Eugene Gills, Wallace Inglis, Dana Newman, Gerald Kita

Representative Souki: Flo Hamasaki, Peggy Collier, Moses Lum Hoy, Vernon Souki

Representative Takai: RaniaLisa Vargas, Madison Barnett, Desiree Borja, Cheryl Ann Derby, Dawn Egusa

Representative Takumi: Nancy Nishimura, Daniel Kent, Marin Nakasone, Brett Shintani

Representative Thielen: John Foster, Ashley Kaono, Franziska Roessy

Representative Tokioka: Amy Luke, Luke Artiaga, Elijah Davenport, Malia Gibson, Amanda 'Mandie' Pearson

Representative Tsuji: Lora Lapenia, Alexander Kuch, Denna Macanas

Representative Wakai: Sharon Grace Sagayadoro, Maribeth Asuncion, Daniel Kalili

Representative Ward: Beth Fukumoto, Ildiko Hrubos, Pamela Kam, Marlo-John Ting, Joshua Cook, Brittany Hill, Richard Smylie

Representative Wooley: Arlina Agbayani, Ian Lind, Daniel Lott, Jacqueline Miyashiro, Flora Obayashi, Kaimana Pine

Representative Yamane: Danielle Bass, Anna Borris, Jamie Cook, Maria Grant

Representative Yamashita: Lois Tambalo, Mark Hashem, Jon Kobayashi, Kristen Oka

Finance Committee: Eric Abe, Perri 'Puna' Chai, Jody 'Joe' Hamasaki, Randy Hiyoto, Nandana Kalupahana, Michael Ng, Stacey Tagala

Majority Research: Linda Oamilda, Doreen Belen, Siobhan Caruso-Tuthill, Georgette Deemer, Thelma Dreyer, Richard Dvonch, Janelle Etelagi, James Funaki, Jamie Go, Susan Iwata, Mary James, Erin Kanehira, Terrence Lee, Steven Lum, Pamela McCreadie, John Moriyama, Roy Nihei, Kendra Oishi, Kiriko Oishi, Carolyn Plett, Carl Silva, Wimmie Wong Liu, Shin Woo Kim, Remar Jonah Moscardon, Ranie Mulligan, William Toyozaki, Jill Tsuchitori, Margaret Yamashita, Clint Uwaine

Minority Research: Boyd Akase, Candace Crouch-Kelsey, James Delavan, Nadine Nishioka, Michelle Van Hessen, Daniel De Gracia II, Roosevelt Freeman, John Gibo, Sharon Gibo, Kelsey Ann Morinaga Wells, Steven Offenbaker, Cheryl Tokunaga, Sarah Fukumoto

Chief Clerk's Office: Patricia Mau-Shimizu, CJ Leong, Waynette Araki, Josette Friedl, Royce Fukumoto, Gail Iseri, Adele Ito, Rupert Juarez, Arman 'Kai' Lau, Eric Lee, Denise Liu, Lyle Maesaka, Craig Nakahara, Thai Nguyen, Emma Perry, Neal Shigemura, Roger Tyau, Chris Barangan, Sharrese Castillo, Jansen Correa, Angel Fujihara, Chi-Hwa 'Elvis' Ho, Ryan Kagimoto, Jimmy Lee, Beverly Lum, Ross Miyasato Jr., Tara-Rose Nakamura, Elsielyn Singson, Jill Takamatsu, Alice VanGelder, Scott Yamane, Diane Yukumoto

Printshop: Tammy Tengan, Fritzi Belmoro, Carol Cabebe, Karen Ebisuya, Bradley Haida, Roy Higa, Lorrin Kaalekahi Jr., Summer Kaleo, David Kamida, Jean Kinoshita, Elaine Miyamoto, Mitchell Osurman,

Mildred Phillips, Estelita Pumares, Eleanor Riney, Ambronette Rivera, Alice Sato, Linda Shishido, Peggie Spencer, Aileen Tanaka, Mark Villamor, Curtis Yoshida, Wesley Yoshitake

Sergeant-At-Arms: Kevin Kuroda, Lon Paresa, Paulette Abe, Jesse Alvarado, Alex Kagawa, Rowena 'Ronie' Low, Glenn Okamura, Suzanne Apo, Yolanda Bryant, Matthew Daog, Sefo Fiso, Kate Kirayasu, Janelle Murakawa, Kevin Omori, Matthew Sagum, Jon Shitabata, Jacob Silva, Alfonso Singson, Jeffrey Spencer, Richard Tamashiro, Dustin Villanueva, Raymond Yamane

Representative Cabanilla introduced her staff, Mr. Pat Bolo, Ms. Christina Simms and Rose Martinez.

Representative Pine introduced her staff: Ms. Maria Carmichael, Mr. Jame Schaedel, Mr. Tom Berg; interns, Mr. Ricky Hobson and Ms. Haley Hobson; Ms. Eliza Talbot and Mr. John Gollner.

Representative Shimabukuro introduced Makaha surfers, Mr. Buffalo Keaulana, Mr. Bunky Bakutis, Mr. Kimo Leong, Mr. Shannon Bernabe and Mr. Phillip Lesconia.

Representative Mizuno recognized the hardworking employees of the Department of Human Services.

ORDER OF THE DAY

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, at this time, there are two measures that will be deferred until the end of the calendar of our Supplemental Calendar No. 1. They are SB 2646, SD 1, HD 2, CD 2; and Conference Committee Report No. 52-10 and SB 2405, SD 2, HD 1, CD 1. Those are the two measures that will be moved to the end of the calendar of our Supplemental Calendar No. 1."

S.B. No. 2646, SD 1, HD 2, CD 2:

By unanimous consent, action was deferred to the end of the calendar.

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to the end of the calendar.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills and Senate Bills for Final Reading by consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 139-10 and H.B. No. 1948, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1948, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Mr. Speaker, this is the bill that says we're borrowing money from the State of Hawaii by not giving them their income tax back exactly when they should have. It says we have to give them their income tax refund in 90 days.

"Mr. Speaker, I know some of you have bemoaned the fact that this $275 million, which this pushes into the next fiscal year, is not on the budget to be repaid. I would remind this Body however, the people of Hawaii are not stupid. They will change their withholding and that money slowly will be repaid back, so I'm not sure of the necessity of this bill even though it's there as a good bumper, but it also gives 90 days from April 20 when taxes are due, which actually puts it right where now the Governor is going to be refunding it. So maybe it's in place for something but again, the people of Hawaii are not stupid. They're going to change it and this thing is going to wither away. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, for the edification of the Members and the audience, this measure will require the Department of Taxation to provide refunds on a timely basis to taxpayers, within 90 days of the latter of the due date of the tax returns, or the date the tax return is filed. It requires that all general revenues collected from an increase of any general excise or use tax rate to be used first to pay refunds delayed from fiscal year 2009-2010, to fiscal year 2010-2011.

"This is to address the current practice by this Governor to delay the refunds due and owed to the taxpayers, and to clarify that it was never the intention for it to be used as a float in this situation.

"Mr. Speaker, we do understand that this was used to balance the budget and balance the financial plan by delaying to the next fiscal year an amount of about $275 million. Again, I think the previous speaker needs to be corrected. Under the current law in place, allowing the Governor and the Department of Taxation to delay the refunds, that is the current law. This measure will correct that law to allow for a timely return of our tax payer's refunds. So from this point on, if this measure will pass, there will be a timely return of that amount of money.

"Just a few things to keep in mind since this policy was implemented. Preliminary tax data from the Department of Taxation indicates that through March of 2010, about $123 million in refunds to families and individuals and businesses are being held back by the Governor. Interesting enough Mr. Speaker, at the same time about $50 million in corporate refunds have been returned to these corporations.

"Mr. Speaker, a couple of other points. The Council on Revenues has not adjusted its projections, but the $275 million equates to about 6 percentage points. This could cause significant problems for us next year, after the current Governor has left office.

"And finally Mr. Speaker, I'd like to thank my good friend from Hawaii Kai for the amendment that was proposed in the Conference Committee whereby we limited the affect of this measure to any increase in the general excise tax or use tax in the future. That being that this obligation must be paid first, before any of the increase of the general excise or use tax goes to the general fund. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker. A brief rebuttal and thanking him for the compliment, but attaching my name to the GET tax is a little bit farfetched. Having said that, I want to quote the Majority Leader who always reminds us, 'if you read the bill properly,' it says, 'at the time you file your tax returns or upon the date due,' and here's the catch Chair, 'whichever is later,' then and only then do we have to pay it 90 days. Whichever is later, meaning April 20. April 20 plus 90 days is what? July 20, which is exactly when the Governor is doing it. So this bill kind of says, 'Yeah we're making it nice and warm and fuzzy,' but in effect we're just doing what we're already doing. But again I say, the people of Hawaii are not stupid. They're going to take their withholding. They're not going to wait for this bill to do anything, because it doesn't do anything. But it's there and we feel better because of it. Thank you, Mr. Speaker."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Just in quick rebuttal. Again, if the Representative from Hawaii Kai would actually read the bill, it also takes out the 45 days allowed to the Comptroller. So now, if you file by March 30, you need to get your refund by the current June 30th of that year. Because that's how we addressed the issue, we took out the Comptroller's 45 day window.

"Also to just clarify what the Chair of Finance said. This is just a way to ensure that if any administration is going to delay the tax refunds to its citizens, it just has to pay interest on it. That's all. It does not prohibit this Governor from doing it. All it says is if we are going to do it, you need to be fair and pay interest. Thank you."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm in support of this bill Mr. Speaker, but I just had some clarification that I'd like to get. Mr. Speaker, dealing with the budget from year to year, it's a tango. It takes two. It's the Legislature and the Governor, and we try to work together. My question with this particular bill is, if this is moving forward, have we anticipated what that would cost us next year, and did the Majority's six year financial plan, or balanced budget and six year financial plan incur those possibilities of increases through this bill. It won't show up in the Governor's balanced budget or six year financial plan because she doesn't have this bill reflected in it. We don't know that because we don't have a list of what's in the two year balanced budget or the six year financial plan.

"So Mr. Speaker, if we're passing this bill anticipating that increase, and we pay for it within the existing income or revenue projections that we think we're going to get, then that's okay. But being that we don't know that from the Minority's point of view, I think that before we can go and make that statement, that we should have those who claim that this is in the two year balanced budget as well as the six year financial plan to state that now.

"I am voting yes because I believe that we need to correct what we need to do. We need to do what we have to do in order to do our best for the State of Hawaii, but I still don't know if this is included in that six year financial plan."

At this time, the Chair stated:

"At this time the Chair will refer this particular clarification or inquiry to the Chair of the Finance Committee or the Whip of the Majority Caucus. Representative Pono Chong would you like to clarify for the Minority Leader."

Representative Chong rose to respond, stating:

"Thank you, Mr. Speaker. Again, in support. This does not affect the financial plan as the Representative from Hawaii Kai had said. This does not change the existing law in the sense of changing the financial plan. It does not put back the $275 in expenditure. All this does is say, 'If you are going to delay refunds, you just have to pay the people of the State of Hawaii, whose refunds you're going to delay, interest.' And if Members remember from last year, the interest was adjusted to present day interest. Thank you."

Speaker Say: "Representative Finnegan, does that answer your question?"

Representative Finnegan rose to respond, stating:

"Okay Mr. Speaker, it answers the question, sort of. But Mr. Speaker, if I'm not mistaken, didn't the previous speaker just say that this does make changes? And says that if people file before March 31st, there should be some kind of number that will show you who filed before March 31st and like we do with the six year financial plan, anticipate some of these things and include it in the six year financial plan. So Mr. Speaker, I think that… Well, I won't say what I think. Thank you."

Representative Ching rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on H.B. 1948 – Relating to Taxation. I believe that this bill interferes with the budgeting discretion provided by law to ensure a balanced budget. I also hold reservations as this measure interferes with the budgetary discretion provided to the Department of Taxation and other agencies in paying out tax refunds to ensure the general fund is not unnecessarily drained.

"For example, this fiscal year, the Department is utilizing its authority to delay payments to ensure the budget remains balanced. Without the authority for the Department of Taxation to payout refunds within a reasonable time, the budget and the general fund are put at risk if all refunds went out at the same time (i.e., April 20). The current refund payout law is logical and provides important latitude when fiscal times are tough. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would just like the words of the speaker from Kaneohe entered in the record as if they were my own. And my only regret is I can't now claim the State of Hawaii as a dependent anymore on my taxes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1948, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 51 ayes.

At 10:38 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1948, HD 1, SD 1, CD 1

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Shimabukuro introduced 5th grade students of Leihoku Elementary School. They were accompanied by chaperones, Ms. Brittany Bednaryzk, Mr. Tim Boyer, Ms. Chanele Wong and Ms. Martha Sarmiento.

CONFERENCE COMMITTEE REPORTS

Conf. Com. Rep. No. 160-10 and H.C.R. No. 297, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 297, SD 1, CD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE DEVELOPMENT CAPACITY AND STEM INITIATIVES," was Adopted.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried:

H.B. No. 921, HD 1, (SD 2)

H.B. No. 921, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 921, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support with written comments, and I just want to say a big *mahalo* to you and your staff, as well as the Chair of Water Land, and the Chair of Finance, and the Chair of Hawaiian Affairs. This is a very important bill for my community and I think also very representative of our commitment to helping families in Hawaii, promoting agriculture, and supporting our Hawaiian families in particular. Mahalo."

Representative Wooley's written remarks are as follows:

"The passage of this bill is both symbolic and meaningful for families in Hawai'i who have ties to the land under State leases. This bill was proposed because families in Hau'ula asked for a change in the law and, after I looked into the issues and discussed them with my colleagues, it became clear that a change was long overdue.

"In the future, I anticipate that there will be additional proposed amendments to the law to address some of the challenges for these leases. I hope this bill will set the stage for any such changes that may come – the goal must be to make it easier for families to successfully manage the land where they live and farm.

"The bill, if law, will provide an option for families, primarily Native Hawaiian families, to preserve and cultivate farm land consistent with goals set by leaders in Hawai'i prior to 1900. Similar to the concepts that led to the establishment of these leases in the first place, my hope is that this bill will not only help prevent the commercialization of land and preserve agricultural land, it will also promote family harmony and cooperation and lead to many family and State land-management success stories.

"This bill provides lessees with access to a commonly used legal tool – the option to create a trust to manage a property on behalf of a family. Fee simple land owners have this option. However, unless this bill becomes law, families with 999-year leases with the State will continue to be unable to use this legal tool. And, absent this tool, some of the remaining families may lose their leases.

"The origin of the 999-year leases that are the subject of this bill was the Land Act of 1895. The goal of the leases was to put people on the land, promote family farms – especially for the less affluent, and protect against the loss of land and land speculation. Today, out of approximately 750 leaseholds issued between 1895 and 1921, probably less than 50 of the leaseholds remain. Since 1950, lessees have had the right to purchase the fee simple ownership of their leasehold. Some 65 to 70 families have done so.

"Many of the lessees are Hawaiian, but there has never been a blood quantum requirement associated with the leases. Under the original Act, potential lessees had to be citizens of the Republic of Hawai'i, not own other land, and successfully meet conditions for a period of 6 years including the requirements that a home be built and the land be cultivated.

"Now, after more than 100 years into the almost 1000, less than 50 of these unique leases still exist. Some people have argued this is evidence the leases should end. Some people have argued once the leases end, the State should sell the land. And some have argued that the sooner these lands are developed and commercialized, the better.

"In contrast, I believe we are obligated to give the remaining lessees the tools they need to keep these lands for the benefit of the families that have historical ties to the land and a commitment to manage and cultivate the land in perpetuity.

"A 1994 report entitled "Analysis of the 999 Year Homestead Lease Program: Current Problems and Possible Solutions" which was prepared for the Seventeenth Legislature of the State of Hawaii by the Office of Hawaiian Affairs, by John H. Bay and Jane van Schaick, found that there are many challenges for these leases and there are a variety of reasons many leaseholds have been lost over the years. Families have struggled to figure out how to make the leases work given modern challenges with property management and lending laws. For example, the leases may not be used as collateral (because they are not owned fee simple) and banks are not willing to provide loans on these types of leases. As a result, it is difficult for the families to move forward with improvements, effectively farm, or make good management decisions.

"Again, the goal of this bill is to make it easier for families to manage these lands by giving the lessees a simple legal tool that fee simple owners currently enjoy – the right to create a trust to manage their property for the benefit of a family. I am very hopeful this bill will become law and will lead to promising and exemplary family land management for these unique leases.

"I would like to once more thank the Speaker, his staff – particularly Calvin Azama, as well as the Chair of Finance, Chair of Water Land and Ocean Resources, and the Chair of Hawaiian Affairs, for their patience and support. Also, mahalo to Ken Takayama and Mr. Funaki for their able legal assistance.

"In addition, I would like to personally say *mahalo nui loa* to Laulani Teale, who worked tirelessly on behalf of Hawaiian families, to move this bill forward."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and I'd like to ask that the words from the Representative from Kahana be entered into the Journal as if they were my own. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 921, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Final Reading by a vote of 51 ayes.

At 10:42 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 921, HD 1, SD 2

SUPPLEMENTAL CALENDAR #1

GOVERNOR'S MESSAGES

At this time, the Chair announced:

"For the Member's edification, for House Bill 1642, House Draft 1, Senate Draft 2, Conference Draft 1, which was vetoed, will be moved to the end of the calendar. We'll take that up as Gov. Msg. No. 259. That's at the end of the calendar.

"Also, on page 2 of the Supplemental Calendar No. 1, Gov. Msg. No. 197, Senate Bill 1311, Senate Draft 1, House Draft 1, will also be moved to the end of the calendar."

Gov. Msg. No. 259 and H.B. No. 1642, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to the end of the calendar.

Gov. Msg. No. 197 and S.B. No. 1311, SD 1, HD 1:

By unanimous consent, action was deferred to the end of the calendar.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 283, informing the House that on April 25, 2010, H.B. No. 2421, HD 2, SD 2, CD 1, was vetoed.

Gov. Msg. No. 283 and H.B. No. 2421, HD 2, SD 2, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 2421, HD 2, SD 2, CD 1, as contained in Gov. Msg. No. 283, seconded by Representative Evans.

Representative Thielen rose to speak in support of the override with reservations, stating:

"Thank you, Mr. Speaker. I'm rising to speak in support of the veto override and with some reservations and some cautions. Mr. Speaker, this is the so-called 'barrel tax' which increases the tax on each barrel of oil brought into this State by one dollar. Originally all of that increase was going to go to fund Hawaii's renewable energy programs and I firmly supported that because the faster we get off of polluting, high-cost oil, the more jobs we create in our economy, the better our green energy programs will work, and the lower our cost of energy will become with using renewable energy as its base.

"I took a hard look at this because what happens is only 25% goes to green energy. There's a small amount that also goes to the agriculture and food security program. But 60% goes to the general fund. I believe that that must be a temporary allocation until we improve our general fund balance and therefore I can go along with this, temporarily.

"Mr. Speaker, this money, the 25% going to the green energy fund, is the bridge, the game changer that will help us obtain additional federal funding and be able to have money to spend on real programs.

"You know my passion for wave energy programs and I would like to refer the Members to the recent *US News and World Report*, The Future of Energy. They are very positive about wave energy, particularly for coastal states. And we can't get there without having some funding base to be able to begin to move forward.

"The other thing they talk about, and we haven't talked about it much in this Body, is the need to upgrade our power grid. They're talking about the national power grid and they said that ranking the 20th century's greatest technological achievements, at the top was the electrical grid. And they say that, while it was a technical wonder at the time of construction, the nation's power grid has become dangerously antiquated over the past decades and it's not in any way reaching the broadband speed that high tech and the broadband power system is. In fact, they note that the dog food industry spends more on research and development than the electrical sector does. Well our power grid is very antiquated, and the problem is exacerbated by the fact that we are an island state.

"So we have to begin somewhere. I don't like the idea that the Finance Committee scooped 60% of the money for the general fund. However, I recognize the financial realities and the challenges they met with. I want that to be temporary, Mr. Speaker. I want us to move ahead to be able to bring in the wave energy systems, to be able to be a leader in this technology, and to be able to provide the wave energy test hubs which bring in money to the State, bring in the expertise, and let our local people have good-paying, green jobs.

"The other thing I would like to refer the Members to, and this was given to, I believe, all your offices, this was prepared by the University of Hawaii's Sea Grant College Program. It's called 'Hawaii's Changing Climate' and it's a briefing sheet dated 2010. We have serious problems. And if you take a look at this and go through it, you realize that unless we take some dramatic steps, we're going to be an island underwater. This doesn't help our State. It certainly doesn't help our nation. It doesn't help our world.

"So to the Finance Committee I say: Okay, you got away with 60% this year. Let's look at that next year. Let's see if we can't whittle that down to maybe being 30% and then the year after having 100% of that additional dollar being available for green energy, renewable energy in our State, and become the true leader providing the jobs and the expertise that we can export to other nations to help them. Thank you."

Representative McKelvey rose to speak in support of the override with reservations, stating:

"Thank you very much, Mr. Speaker. In support, however I have serious reservations at this point that I have to express to the Members. My reservations are about the impact that this will have on our consumers, especially those on the Neighbor Islands. I know it's 3 to 5 cents additional per gallon, but when your constituents are paying over $4 a gallon for gasoline with expectations to reach $5 a gallon, it's very painful.

"However, as the good Chair of Finance has said, we had to make tough choices this Session. That's why at the end of the day, I do support this. Not for the reasons of the previous speaker. The irony is, it's to the contrary. I support this because of that general fund allocation. And why you may ask, do I support this because of general fund allocation. Because of what it will do.

"The first thing it's going to do is, it prevents a takeaway of the counties' share of the TAT, which our citizens desperately need to continue the services and programs, especially the State partnerships like the nursing program at MCC.

"The second thing that it does is, it funds agricultural inspection positions in Maui County. If we lose those positions Mr. Speaker, our farmers, our small farmers will have no way to get their crops to market and it will be economically devastating.

"The fact is, this is probably the hardest choice I've had to make, but however, given that this is an integral part of the financial plan and given that our counties need this, our farmers need this, I am going to support this. But again, I really, really do this with a heavy heart because of the impact that this could have on the Neighbor Islands vis-à-vis fuel fees this summer."

Representative Tsuji rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I rise in support of the override. Thank you, very much. Mr. Speaker, in her veto message of April 25 of this year, the Governor stated that this bill, to provide a source of funding, to provide government services, has a purported purpose. I disagree.

"The Governor further argues that this bill is objectionable because it raises taxes on Hawaii residents and businesses at a time when the community cannot afford it. And therefore she says, 'This bill is deceptive.' Mr. Speaker, to the contrary. The purpose is concise. It's forthright. It is to promote energy programs and food security.

"Mr. Speaker, for those who argue that it is deceiving that 60% of the moneys go to the State general funds and clouds the purpose, consider this for awhile. Mr. Speaker, $9.2 million is earmarked for agriculture. The College of Tropical Agriculture and Human Resources is linked as a recipient of some $21 million. On the special funds side, they are linked with special funds of some $3.3 million to fund agricultural security programs to fight invasive species and to promote sustainability of agriculture, both imports and exports alike.

"I posed this question to an invasive species expert: 'What is the negative impact if we have an invasive species attack or outbreak on our food sources that is uncontrollable?' The response: incomprehensibly into the millions of dollars. Think about this, Mr. Speaker.

"Further, responding to the Governor's comment that this bill raises taxes and virtually impacts everything. Without belaboring the issue, let me be forthright with you about recent invasive species developments requiring immediate attention, but still stymied because of our neglect sometimes, of legislative action.

"Let me just go back a bit, and when I say back a bit let's go back into the month of April only. April 2010. April 20, 2010, USDA, United States Department of Agriculture in Hawaii, placed a two-day restriction on

Hawaii shippers whose shipments have been destined to California that have been rejected for inspections. A further two-day delay. Can you imagine what this does to our exports and of our fresh fruit products? Initially the two-day ban would have been in effect for all shipments going to the continental United States, but was only for California. Don't forget, last time I spoke to this Body, Mr. Speaker. I was very concerned about the State of California already placing an embargo on exports from Hawaii to the State of California.

"Going further a couple of days later, April 23, 2010, this year again. An outbreak, an unknown outbreak on ti leaf in Kahului. On ti leaf in Kahului, an invasive species is still unknown and it's been tested for. So what's the economic impact? Cultural impact for hula skirts, for our *laulau*, for our display items. Think about it. This has yet to be identified.

"Now going to April 27. This is only one month in the year of 2010, Mr. Speaker. Well let's go backwards if you will allow me, Mr. Speaker. In the year 2007, this legislative body in a crisis situation allocated about a half million dollars because the varroa mites unbeknownst to us, invaded this Island of Oahu which attacked the queen bee, the honey bee industry, and all those in the pollination industries like macadamia nuts."

Representative M. Lee rose to yield her time, and the Chair "so ordered."

Representative Tsuji continued, stating:

"Thank you, very much. But now fast forward to April 27, 2010. An outbreak in Pana'ewa on the Big Island, once again. It's called the small hive beetle. The small hive beetle also attacks the honey bee industry, the queen bee industry. And USDA inspectors, along with our Department of Agriculture inspectors are feverishly working on trying to identify and trying to counter these invasive species. Key personnel are waiting for approval so that they can travel to the Big Island. And you say, why wait for approval? Think how this funding will really help us, Mr. Speaker.

"Although the Legislature, and thanks to you Mr. Speaker, has approved the restoration of 45 positions for plant quarantine and pest inspection control funding, the Governor now has the authority to fill or not to fill the restored positions. The Legislature must override the Governor's veto regarding this barrel tax so the Department can implement and rapidly respond, and put into effect eradication efforts as these new outbreaks are occurring. Until the Governor restores these positions and inspectors so they can once again prevent new outbreaks, I implore upon you Mr. Speaker, please override this veto. Mahalo."

Representative Ward rose to speak in opposition to the override, stating:

"Mr. Speaker, I rise in opposition to the override for the second time, as this bill was introduced last year and vetoed. This time it's a little bit different because it gives 60% of the money to government, it's basically a revenue raising mechanism. As a member of the Finance Committee Mr. Speaker, I did not, as one speaker said, go along with that, even though the Finance Committee did bump it up from the nominal to a very large percentage.

"So Mr. Speaker, what we've got here is basically a bill that sucks $22 million out of the economy. And invasive species are very, very important. But the people of Hawaii are more important. We have people living on the edge. We've got over 300,000 people who are dependent upon government for their food, shelter, medical benefits. We've got a bad business model for a society when you've got almost one-third of your people who can't make it on their own, Mr. Speaker. That's not good. And the more we suck out of the economy, the harder it's going to be for them to live.

"I know the Chair of Human Services has very pointedly shown how domestic violence is increasing in our State. Mr. Speaker, what's the first thing that people fight over in families? It's money. This $22 million is going to hit all aspects of their electricity bills, their gasoline bills, everything that we ship, that we truck, every retail good, all the food that we eat.

"I would remind this Body that this is a 2,000% increase, from 5 cents a barrel, to $1.05. But Mr. Speaker, this is 2010. What do you think this Body is going to do in 2011? Because some people already wanted this to go from 5 cents to $5. So I would submit that this is kind of a' time bomb' argument, that next year we'll say, 'It's only 3 cents on the gasoline. It's only 3 cents here, 2 cents there.' But Mr. Speaker, those things add up. The same way when you boil the water, the frog, when you throw it in will jump out. But if you get the frog in there and get him comfortable, you just turn it up slowly, the bugger will die. And that's what we're doing to the people of Hawaii, slowly turning them and turning up the heat on taxes.

"Lastly Mr. Speaker, I want to cite something that was very profoundly said yesterday by the Chair of EEP, the Representative from Kauai. She said that the bill that's going to put photovoltaic and solar on every roof, or that's going to allow that bill that got stuck and became a reso, she said that the passage of this bill will allow that program to proceed and that bill to pass next Session. I want to go on record Mr. Speaker, and just quoting her for saying that, because I felt so strongly yesterday and I feel so strongly today. If you guys override this one, let's make sure that that photovoltaic bill to allow the State to put those energy bonds out on the market so people can have the upfront money, pay it back with their property taxes, and really make us an energy independent state. Thank you, Mr. Speaker."

Representative Morita rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I rise in strong support of this override. The Representative from Hawaii Kai may see $22 million being sucked out of the hands of Hawaii residents, but in actuality, over $8 billion per year is being sucked out of this State to pay for imported food and energy costs.

"Mr. Speaker, when the Governor vetoed this bill, she tried to grab headlines by pointing out that this bill will increase the tax on oil 2,000%. Yes, it will increase the tax on oil from 5 cents per barrel, to $1.05 per barrel and that very well may be 2,000%. However, if you look at the overall impact of the price on various petroleum products, the impact of this tax was anticipated to be 0.9% in 2009, and approximately 0.8% in 2010.

"Let's look at the real cost driver for energy within the past 12 months. As of March 2010, crude oil prices rose from $48.10, to $81.29; a 69% increase. The average gasoline price per gallon rose from $2.43, to $3.46 per gallon; a 42% increase. And projected forecasts for crude oil in the next year is $100 per barrel.

"This is the impact that will ripple through the economy. Doing nothing is not an option if we want to recover and shore up our economy. The energy sector is the bedrock of our economy. Stable, predictable energy pricing is a major factor that affects each sector of our economy and offers an opportunity for economic diversity and economic growth.

"While the initial objective of this measure was to accelerate programs to reduce our fuel and food imports, given the economic reality, the tax will be used to help balance the general fund budget. However, important and core energy and agricultural programs are still general funded. While 60% of the tax will go to the general fund, consider this: general funds are to be used for, as our Agricultural Chair pointed out, agricultural inspectors which are critical positions to facilitate the import and export of agricultural products and mitigate invasive species, and pay out the renewable energy income tax credit which is about $18.5 million from the general fund.

"Again, the cost of doing nothing will have a far greater impact and leave Hawaii vulnerable to energy pricing volatility and supply disruptions beyond our control. Rising energy cost is a major factor that increases the cost of living within Hawaii. As an isolated island archipelago, we are vulnerable to fuel and food supply disruptions and global forces beyond our control as I just mentioned.

"A transition to a clean energy economy and a strategy to reduce our fuel and food imports, which is funded through this tax increase, puts Hawaii's destiny more under our control. It will take long-term planning, a smart strategy, public-private partnerships, the infusion of new technology, smart investments, and political will to achieve this strategy.

"I disagree with the Representative from Hawaii Kai. Just because we put a couple of PV panels on our roofs, that isn't going to solve this problem. This is a complex transition that has to happen, and as the Representative from Kailua said, moving from an antiquated system to a modern, robust system that benefits everybody throughout our State, rich, poor, young, old. This is the future for our State.

"So as leaders, as residents, as businesses of the State, we need to make the long term commitment and investment by putting our money where our mouth is, and this is a smart investment. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the override with reservations, stating:

"In support with reservations, Mr. Speaker. I would just like this Chamber to acknowledge that this tax increase is going to be carried by the constituency that lives in outlaying areas. People from Ewa Beach, Ewa and Waipahu bought houses there because that's where you can find affordable housing. But with this increase in tax where they have to fill their tanks more often than those people that live in urban Oahu, that savings in affordable housing is going to now be negated.

"Although my constituents will probably be happy to help out with the budget, I just would like the Chamber to know that those constituencies are giving more on this tax increase than everybody else. Thank you, Mr. Speaker."

Representative Pine rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. We talked about how this bill is going to help so many people in the State of Hawaii. It kind of reminded me of when I went to the Tea Party last year and the sign that I remembered most, it said, 'Note to government: stop helping me, I can't afford it anymore.'

"I talk to my constituents and they hear all of these arguments and they say, 'Rep. Pine, they just don't get it, do they. We can't afford anything else taxed on us. We're barely breaking even.' And as the previous Representative from Ewa stated, this is going to be very damaging to the Ewa Plains because we have some of the farthest commutes. And the one thing my constituents asked me is, the best way that I could help them is to not increase the taxes on things that will affect their daily lives.

"This bill is deceptive, Mr. Speaker. I think it started with fantastic motives. When a version of this was introduced earlier in the previous Session, I voted for it because it was tax neutral on my constituents. It accomplished both goals. Allowing them to continue to make it in the State of Hawaii without having to move to the mainland. It also allowed food, energy and security programs to be funded. But somewhere in the chaos and the madness of what has happened this Session, a great bill has turned into a deceptive one. You can argue every other way that it does benefit the people in some way, but the majority of it doesn't.

"So Mr. Speaker, I just cannot in good conscience vote for anything that will increase the cost of bread, cereal, milk, electricity, and most importantly, gas that is the lifeline to my constituent's jobs and survival."

Representative C. Lee rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I rise in support. I mean no disrespect to anyone in the Chamber when I say this, but I think I'm the only member of 'Generation Y' here. I see a lot of 'Gen Xers' and members of the 'Greatest Generation.' Many more up in the gallery, a lot of white hair.

"But the truth is the day is going to come when our economy, our State, and our way of life is going to have to be passed on to the next generation. And quite frankly, the prospect, as I see it right now, is very grim because we're an economy built on an unsustainable energy source whose cost is destined only to skyrocket the longer we wait.

"While this bill is a compromise and isn't perfect, it will lay the foundation for the first time, for our transition away from imported oil that I hope in the years to come, will be a distant memory.

"So I ask all of you today, think not of yourselves really, but think of your kids, my generation, my kids, and all of us who will be saddled with hundreds, thousands, tens of thousands, millions of dollars in additional debt collectively, billions of dollars in additional debt, as we will be forced to continue to pay for the higher prices that we can no longer afford. And so this, if it passes, I hope will move us away from that otherwise bleak future. So please consider that, and please think ahead. Thank you."

Representative Ching rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. I rise in opposition. Well actually, I'm a mother, and so as a mother of a child who is six years old, I think it's been clear that the Administration and people here in this Chamber understand that we need, yes we do need, and actually as the former President of Life of the Land back in the 1980s, when it was quite rare and the word, 'green' had not even yet been created, I was a supporter of alternative energy. Back when very few people supported that.

"I think that this Chamber, we all want to understand that we need to get to alternative energy and we want to take care of the next generation. But the question is, how do we get there? That is always it. As we say, the 'devil in the details.'

"I'm also a strong supporter, as this Chamber well knows, my support for ag. I have big support for diversified ag. So the thing that is going through my mind is how do you get to support diversified ag? How do you get to alternative energy?

"What I don't know that this Chamber really understands or understands my way of thinking of it, is that business, I will say that for the last time on *sine die*, business creates jobs, business creates tax revenue, by its service. So actually when you tax business which is what this barrel tax is going to do. So when you make it harder for the consumer, the reality is, when I think I might go down to that restaurant, I think, 'Oh, gas is expensive. I'm keeping my budget down.' So you know what? I'm not going to go out to Haleiwa next time because it's a little bit too much gas.

"It contracts the economy. And when we contract the economy, people don't want to get out of their houses, do things, and therefore purchase things, etc. that sustain businesses. And that, in the long run, creates the recovery. And that in the long run, creates the tax base that will pay for the agricultural programs. I'm just going to read from here. This is the Governor's objections.

"The purported purpose of Senate Bill 2421 is to provide a source of funding to support government programs."

At this time, the Chair addressed Representative Ching, stating:

"Representative Ching. I believe the Members of this House have read the Governor's veto message. So if you want to incorporate into the Journal you may, but there is no reason for reading it at this point in time."

Representative Ching: "Well, as my own statements."

Speaker Say: "Yes, please proceed with your own statements and your own feelings, as far as being in opposition."

Representative Ching continued, stating:

"My position and argument is this tax, as I said earlier, will virtually tax everything we do or use in Hawaii, including electricity, gasoline, trucking, shipping, retail goods, food and even the propane for our back yard barbeques. It will ripple through the entire economic system, and I too am concerned that this tax increase comes at the worst possible moment when you're actually trying to get the economy back on its feet.

"Let's be honest about it. It's no longer the bill that it once was to say, 'Let's try to get into alternative energy and support clean energy, etc.' And I

think it's been clear that this House and this Administration, it has to be said on *sine die*, that this Administration has been supportive. And yesterday, we debated that PACE program.

"So truly, we have to look at the proper ways to solve the problem and not create 'straw man' arguments that there's a generation that doesn't care, or else I don't think I'd be taking so much time away from my daughter to be here. Thank you."

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. What this Session is about, at least from my point of view, especially in balancing the budget, is living within our means. Mr. Speaker, just like every other family, just like my family, and just like businesses, when you look from the outside-in, we're busy running from Committee to Committee, hearing testimony to testimony, coming in early, leaving late.

"We get into the 'weeds,' the 'trees,' Mr. Speaker. We have to step back and look at the forest. So what happens when I look at the forest? I look at the fact that we have a budget and we need to make priorities. If food security and clean energy are priorities, then we fund it in the budget and we make other cuts. That is what the Republicans did in their six-year financial plan.

"Mr. Speaker, you can still do something within our means. But you just have to make these tough decisions to not fund other things. Because in the big picture Mr. Speaker, in the private sector a business doesn't have that choice. People will only come to their store if they can afford it. You can go ahead and raise prices on them, but sooner or later the customers won't come. However, in government we put it in a bill, we pass out the bill and next thing you know because we need gas, we go get gas, we pay for it. There's not much in choices for the people.

"Mr. Speaker, we talk about this $8 billion price tag of not going to clean energy and I believe that as well. I believe every single person on this Floor is dedicated to a clean energy future. In fact, the Governor talks about how in 2006 she signed groundbreaking legislation known as the Energy for Tomorrow that lays the foundation to wean Hawaii off of imported oil. In 2008 her Administration signed a historic one-of-a-kind agreement with the US Department of Energy intended to decrease energy demand and accelerate the use of renewable energy resources in Hawaii. That was with a Republican President. In 2009, we enacted legislation drafted by members of the Hawaii Clean Energy Initiative that will help Hawaii meet their goal of 70% clean energy by 2030.

"Mr. Speaker, our Governor, in all the times that I've paid attention, she has been the person that could grab the people of Hawaii's attention on clean energy. No matter how hard the Legislature worked the push to have a, I think it was 20 by 2020 was the goal when the Governor first came in, and now it is 70% by 2030. That's the goal. Mr. Speaker, priorities don't do nothing. That's not what we say when we say we're against this bill. Priorities Mr. Speaker. Live within our means. Private business sector. We need to look at what's going on in the forest, Mr. Speaker. Thinking of our kids? Absolutely.

"I did a quick calculation. It's going to be about $60 per car for my car, and $60 per car, per year, for my husband's car. That's $120 per year. It doesn't sound like much but that doesn't include electricity, higher electricity prices that we will pay, or milk prices and all of those other things when we go to the store and we say, 'Oh my goodness. How come it went up?' That will be one of the reasons why. $120 doesn't seem like much, and I'm not the kind of person that would exaggerate on these kinds of things to make a point. But $120 was the choice that my son had to make when I helped him bring 25 bags of bottles and cans to go and recycle so he could pay an entry fee to do one of the projects that he wanted to do. And he got $120 by working and doing that. Because our budget is like most of the people's budgets in Hawaii and it's not one of those things where you can just go and write a check for $120.

"Mr. Speaker, I realize that this House feels that this is the right way to go. Mr. Speaker, I just think that we can do a better job. Thank you."

Representative Coffman rose, stating:

"Thank you, Mr. Speaker. Just curious, I just heard $60 a year on this tax from one of the colleagues here. This tax is going to cost 2.4 cents per gallon. If you drive 20,000 miles a year that's $24. At $60 a year that's getting close to what, 60,000 miles of driving? I would certainly be driving a very small car if I had that kind of expense.

"I want to address a point here about where this money is going this year and use one example, and let's take this tax. $2.2 million is going to go towards the Hawaii Natural Energy Institute. This money will draw a 4 to 1 match. A lot of this money is going towards projects to develop the smart grid on Maui. We've got a one megawatt battery going in on the Big Island. These are both projects to help us better utilize the wind farms we have on these islands. We have to get these projects completed so we can prove out the technology and we can get off of fossil fuels.

"Mr. Speaker, this bill is extremely important for this State, for the long-term economic development of our State. Gasoline has gone up over a dollar in the last year. If I owned a business, I don't think the 2.4 cents per gallon of gasoline is going to bother me. What's going to bother me is that it's gone up a dollar in the last year. Oil's forecasted to go up another 20% before the end of this year. This little mini tax is going to get lost in that. Thank you, Mr. Speaker."

Representative Chong rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In support. There's been a lot of talk regarding this issue being about food and environment, and while those things are true, this is an issue about the economy. I remember in a town meeting, I would say it was last year or the year before last, where a gentleman stood up, pointed at me and said, 'Oil is $150 a barrel. What have you guys done to help renewable energy?'

"This is going to be, we've had two times now, that energy has skyrocketed out of the country's control, out of the State's control, by outside forces. One was in the '70s, and the $150 per barrel was within, I would say the last year and a half. We cannot forget about the $150 barrel of oil.

"Yes, let's talk about the economy. Does anybody remember what it did to tourism, to the airlines when it was $150 per barrel? Right now NELHA is taking a look at using algae for biofuels, along with the airlines. The Department of Defense is looking into it, as well as other places.

"Do you remember what happened to construction at $150 per barrel of oil? Well, what about food? I remember going to the market and seeing a piece of meat, not prime, not any expensive cut, at regular price for $9.50 a pound. Did we forget about that already? Why is that? Because Hawaii ships in 90% of its food because we don't produce any of it here. So we have to pay for oil costs to ship it here.

"Secondly, ethanol has become a problem for us. In the sense that everything that we eat, and we want to make sure that the Members and the people in the Gallery understand this. Everything we eat is fed, in part, with some sort of feed and by and large most of it is corn. The pork you eat is fed with soy beans and corn feed. The meat you eat is fed by corn. We don't eat grass fed beef in this country. People need to be aware of that. The soda you drink, the products that have any sweetener in them by and large is corn syrup. So what happens when oil is $150 a barrel and people start wanting to use ethanol to replace oil? Does anybody forget about meat that is $9 a pound?

"So let's talk about economics because if we don't want to pass this, fine. But when oil hits $150 barrel again, don't come running to the Legislature and point at us and say, 'You guys didn't do anything. You didn't learn twice.' The tough decision must be made. Wake up.

"Next I would like to go on further about economics, and for those of you who don't know, I think his name is John Rutledge, and he is the president of Rutledge Capital. He invests money in, among other areas, oil. And he was at a conference at NCSL, and by the way for my colleagues on

the other side he was an advisor to Presidents Regan and Bush so he's not a liberal. But what he did say is this. 'When oil companies come to me and they want me to invest hundreds of millions of dollars to either build a pipeline, drilling, or an oil field in a foreign country, the first thing I tell them is, is it secured? And are there US forces on the ground? Because I'm not going to invest hundreds of millions of dollars in a foreign country if I'm not sure if my investment is going to be protected by the US Government.'

"Solar and renewable energy in this bill Mr. Speaker, is not just about the environment. It's not just about the economy, but it's about national security. Because in the end of his speech, he told the audience, and it was a packed crowd. He said, 'For those of you who drive Humvees, based on what I told you, you'd better pick up a gun and be ready to go and enlist in the armed forces because no one is going to invest money in oil unless the US forces are there and it's going to be secure.' So this isn't only about being green. It's about being red, white and blue.

"And lastly, if I may talk about the issue in rebuttal, of living within our means. This is going to be a small take to the general fund. Secondly, right now we currently fund many renewable projects, especially tax credits with the State general fund. So it's not like we're not putting general fund money into renewable energy."

At 11:27 o'clock a.m. Representative Takumi requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:30 o'clock a.m.

At this time, the Chair stated:

"At this time, the Chair would like to recommend to the Members of this House and the audience that we proceed with our proper decorum. There should not be any clapping when speeches are being made either for or against a measure.

"Representative Ward, you cannot stand up you've had your second time on rebuttal. So at this point the Chair will call for the question."

At 11:31 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:32 o'clock a.m.

At this time, the Chair stated:

"Representative Ward. Yes, for your second time. I stand corrected. The Chair will allow you to speak for the next three minutes along with other Members of the House who would like to speak on this measure with reservations, or in opposition. That way it is there for the record and the audience will know what your concerns are, for or against the measure. But we've had a lot of debate on this particular measure. I believe the Chair has been very fair with both sides of the Chamber, both the Minority and the Majority. Representative Ward."

Representative Ward rose, stating:

"And Mr. Speaker, you'll allow us to not have to come back tomorrow because we'll finish it all today."

Speaker Say: "I'm not going to make that decision. That's for all of you."

Representative Ward rose to respond, stating:

"Okay, today's the last day. These are my final remarks on this as a rebuttal, Mr. Speaker. And I thank the Majority Whip for reminding us that gas usually just goes up. But what I heard him saying was that it's kind of like 'the barrel tax or bust.' Like this is the only way we can do it. And I go back to yesterday's speech about the State Energy Bonds Mr. Speaker, because the Chair of EEP stated again this time, a couple of PV panels are not going to solve our problems.

"Mr. Speaker, my rebuttal is I think that exactly a couple of PV panels on every house in this State will resolve the problem. Case in point, the Representative from Pearl City."

The Chair addressed Representative Ward, stating:

"Representative Ward, will you address the Speaker."

Representative Ward: "Sorry. The Representative from Pearl City stood up and said 'I have gone photovoltaic and my bill ....'"

Representative B. Oshiro rose to a point of order, stating:

"Point of order. The current speaker is not talking about the bill. He's talking about other measures. Can he please confine his remarks to the bill that's in front of us."

Representative Ward: "Mr. Speaker, I was just going to finish. Now I want to speak longer."

Speaker Say: "Well you got a minute to go. You had three minutes."

Representative Ward continued, stating:

"One minute to go. My point is it's not barrel tax or bust. It's let's be creative and innovative as the bill was yesterday that turned into a reso that would allow the people of Hawaii to put photovoltaic on their roof so they could, like the gentleman from Pearl City, have an $8 or $18 monthly electricity bill. That's how we solve it, with incentives, not just tax, tax, tax. Limit the government. Thank you."

Representative Ching rose to respond, stating:

"Additional written comments please."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to the override, and stand in support of Governor's veto of H.B. 2421, which removes language suspending tax when the balance of Environmental Response Revolving Fund balance hits $20 million, expends the scope of the Energy Security Special Fund, and increases the Barrel Tax from 5 cents to $1.05 with certain specified allocations.

"As my record shows, I have always been a stalwart supporter of agricultural and alternative energy initiatives. While I support the establishment of a task force with DBEDT to facilitate the accelerated adoption and completion of renewable-energy projects and programs, I cannot support a barrel tax increase as such a tax will affect businesses, food, and ultimately every aspect of society. This is not the right time to implement taxes that so direly affect our citizens, as many are already suffering from our State's economic crisis. Thank you."

Representative Yamane rose to speak in support of the override with reservations, stating:

"Mr. Speaker, I'm standing in support with reservations. Thank you, Mr. Speaker for your patience, and Members. I did want to explain since I did vote no on this measure as it passed on a previous vote. I want to explain why I have changed my vote from a no, to with reservations.

"Mr. Speaker, the Minority has brought up some valid points regarding the impact of this tax on the people. I feel the people of my district will be impacted by some of these increases. However Mr. Speaker, as I have been enlightened by my colleagues regarding this budget and the impact of this bill on the balanced budget, as well as when I reviewed how this budget affects the people of Hawaii, Mr. Speaker, especially in the area of health and human services. This money that's being diverted to the general fund that has been discussed, which I previously opposed because of that reason. Those moneys that are going to be now used for *kupuna* care, to be used for feeding the elderly, to be used to support our hospitals throughout

the State of Hawaii. Mr. Speaker, I was compelled to change my vote. I just thank you for that time."

Representative Berg rose to speak in support of the override with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. I request that the words of the Representatives from Hanalei, from Kona, and from Kailua be entered as my own. In addition just a few more comments, Mr. Speaker. I've been always in favor of the content of this particular bill, and my concerns when it crossed over to the Senate and when it crossed back at the end of the Third Reading, was because of the amount that was going to be allotted to the general fund.

"What I've learned about the process of what we've been going through with the budget is that there are tradeoffs and there are balances. And what I also understand and feel reassured by the Finance Chair, is that some of the funding that we wished that would go to programs and services from this particular measure are accounted for in the general fund budget. So with that in mind, I do appreciate the effort of the Finance Committee to enlighten us and have us understand the percentages. And as the Representative from Kailua, I hope that next year when you all are back here again, that you will consider being very deliberate with the will and the intent of the underlying bill. Thank you."

Representative Rhoads rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In support. My apologies to my suburban colleagues. I do think that the one point that we haven't really talked about much is the slight increase in gas prices this bill will engender. It's actually a positive thing. It will discourage people from driving as much.

"And while it is a burden to those who live a long way out, I think in the long run people moving back into town and not driving so far is a desirable situation from a number of perspectives, not least of which is global warming. Having a single family home in the suburbs and then driving to work a long way is a very energy intensive way to live

"I think you already see the trend to a certain extent when my good friend from Kapolei/Makakilo always says that her district is the fastest growing in the State, and it probably is. But the 28th District is also growing very fast and part of the reason for that is people are tired of paying high gas prices which have nothing to do with the tiny amount we're raising the tax here. This is all before this would go into effect. People are moving back into town and one reason they're moving back into town is because it costs too much to commute. They lose all the money you save by having a cheap house in the suburbs. It is made up for in gas, and of course you have to sit in traffic for an hour each way.

"So I do think the good thing about this bill is that it allows us to develop other forms of energy that will also allow people who live in the suburbs to stay there and not pay an arm and a leg like developing electrical vehicles, like building the train. I think this bill is the wave of the future and you do have to finance things to move forward.

"My objection to the idea that we shouldn't raise the tax is that well, there is no free lunch, and businesses know that too. They know there's nothing for free. But 15 or 20 years from now, businesses are going to be grateful that we went in this direction because they will have alternative sources of energy that we wouldn't have but for this bill and other bills like it. Mahalo."

Representative M. Lee rose to speak in support of the override, stating:

"Mr. Speaker, I rise in support and I'd like written comments in the Journal. Could I have the remarks of the other Representative from Mililani with the exception of changing the vote recorded in the Journal as my own. Thank you."

Representative M. Lee's written remarks are as follows:

Mr. Speaker, I rise in support of HB2421, HD2, SD2, CD1, the so-called "Barrel Tax." This is landmark legislation, which will have much influence on Hawaii's ability to be energy independent and to grow enough food to be sustainable in the future. We spend $8.6 billion per year for imported food and fuel. The result of this bill in years to come will be to keep more dollars within our State and make our economy stronger.

"The tax is a mere $1.00 on a barrel of imported oil to fund energy and food security programs, renewable energy tax credits and agricultural inspection. Some monies will go into the general fund to help balance our budget as well. I urge the Members' support."

Representative M. Oshiro rose to speak in support of the override, stating:

"Mr. Speaker, in support. Just a couple of points that have not been made. The $13 million to the general fund will be for only a temporary period of time to address the current recession and the shortfall in the general fund budget. It is set to be repealed in 2015, Mr. Speaker. So it's just a temporary measure to assist us in balancing our budget and paying for the services that we desire and we all champion when we get back to our communities.

"Second point Mr. Speaker, is for the Department of Ag we spend about $9.2 million a year. $9.2 million general funds to the Department of Ag. Just keep that in mind. We also spend about $23 million Mr. Speaker, a year. $23 million a year for the Department of Land and Natural Resources to ensure that our environment is protected and secured from all pests, species and waste. Also Mr. Speaker, we spend about $21 million at the University of Hawaii College of Tropical Agriculture and Human Resources. So a total of about $50 million Mr. Speaker, goes from the general fund to these three Departments for environmental related programs. Thank you."

Representative Morita rose to respond, stating:

"Thank you, Mr. Speaker. I'm really sorry, but just a brief rebuttal and I'd like to submit additional comments in the Journal. In the Governor's veto message she mentions significant progress being made by this Administration. Significant progress means relying heavily on the Department of Energy Funding and ARRA grants. Those sources of funding will be dramatically reduced in the next 18 months. When the Lingle Administration leaves office, the ARRA moneys allocated for energy and the Petroleum Violation Trust Fund which has supported the Energy Division for several decades will be depleted and sucked dry. In dealing with critical issues like energy and food security, these are long term and complex strategies that cannot be planned or implemented by election cycles, nor by a single person's actions. So it will take decades for this large scale transformation to occur.

"The Governor's Office has been unrealistic about the Hawaii resources that will be needed to commit and engage the US Department of Energy and uphold our side of the HCEI agreement, and that effort will take staffing resources for the Energy Division. Again, we need this money for the Department of Agriculture to make this complex transition for food security, too.

"The other thing I wanted to point out is that this tax increase can be offset by efficiency and conservation. I think it amounts to about $20 per person per year throughout the State and that can be offset through efficiency measures. Additional comments to the Journal please."

Representative Morita's written remarks are as follows:

"Mr. Speaker, thank you for allowing me to submit a point by point rebuttal to Governor Lingle's veto message and her accompanying press release.

REBUTTAL TO STATEMENT OF OBJECTIONS (VETO MESSAGE) TO HOUSE BILL NO. 2421

"Governor: The purported purpose of Senate Bill No. 2421 is to provide a source of funding to support government programs, personnel, task forces, and grants-in-aid intended to promote energy and food security in the State. The funding will be generated by instituting a $1.00 increase in

the tax imposed on each barrel or fractional part of a barrel of oil sold by a distributor to any retail dealer or end user in the State. However, over half of the money raised by the tax would not be used for the stated purpose.

"Rebuttal: While the initial objective of this measure was to accelerate programs to reduce our fuel and food imports, given the economic reality, the tax will be used to help balance the general fund budget. However, important and core energy and agriculture programs are still general funded. While 60% of the tax will go to the general fund consider this, general funds are used to:

- Fund Agricultural Inspectors, critical positions to facilitate the import and export of agricultural products and mitigate invasive species; and
- Payout the renewable energy technology income tax credits ($18.5 million).

"Governor: This bill is objectionable because it raises taxes on Hawaii residents and businesses by an estimated $22 million per year at a time when the community cannot afford these taxes, and deceptively implies these funds will be used to address the State's dependence on imported fuel and food.

"Rebuttal: In 2008 Hawaii paid $8.4 billion for its energy costs. This bill should not be viewed as a tax, but a retention fee. A retention fee to reduce the over $8 billion dollars each year we ship offshore to pay for our imported fuel and food. The cost of doing nothing will have a far greater impact and leave Hawaii vulnerable to energy pricing volatility and supply disruptions beyond our control. Rising energy cost is the major factor that increases the cost of living, the proposed tax increase is fixed and becomes less significant as the cost of crude oil rises.

March 2010 DBEDT Energy Report: 12 month changes

- Crude oil: $48.10 to $81.29 – 69% price increase
- Average Gasoline prices: $2.43 to $3.46 per gallon – 42% price increase
- Forecast: Crude oil $100.00 per barrel by year end – 22% price increase

"Governor: This tax will impact virtually everything we do or use in Hawaii including electricity, gasoline, trucking, shipping, retail goods, food, and even the propane for our backyard barbeques. The impacts will ripple through our entire economic system. I am particularly concerned that the tax increase occurs at a precarious moment when the State economy is beginning to stabilize and progress out of the slump created by the global recession.

"Rebuttal: The economic development opportunities are in the energy, agriculture, health and education sectors. However, the energy sector is the bedrock of our economy. Stable, predictable energy pricing is a major factor that affects each sector of our economy and offers an opportunity for economic growth. The energy sector moves hand-in-hand with the information technology and communications as technological integration require software and communications support. It is important to remember:

- As the global economy recovers, the demand for crude oil will increase.
- Increased demand means higher crude oil prices

"Governor: It is worth noting that the Legislature was willing to exempt from this barrel tax aviation fuel used by commercial airlines, thereby shifting the burden of the tax to consumers.

"Rebuttal: The inclusion of aviation fuel was never a valid reason to veto the bill last year since federal law would have pre-empted the State law. It is a non-issue in this measure.

"Governor: It should be recognized that higher energy prices discriminate against poor families more than any other group in our society. Energy costs comprise a higher percentage of family expenses for those at the lower income levels. This taxing policy runs counter to a progressive tax structure.

"Rebuttal: As the cost of fossil fuels rise it will be those who can least afford rising energy costs that will ultimately bear the burden of maintaining an antiquated electricity and transportation infrastructure. One of the key objectives of the Hawaii Clean Energy Initiative is grounded in social and economic justice; that is we provide for a strategy that moves our entire community forward to secure the benefits of a clean energy economy and food security transformation for each person and business throughout Hawaii. The tax is broad based, a burden shared by all and a tax that can be offset by efficiency and conservation measures. The anticipated impact on the cost for a gallon of gasoline (2.4 cents per gallon) if you drive a vehicle that averages 20 miles per gallon are as follows, however, these additional costs can be offset through efficiency and conservation.

$0.24 for every 200 miles driven
$2.40 for every 2000 miles driven
$24.00 for every 20,000 miles driven

"Governor: As I noted last year when I vetoed this measure's predecessor, energy and food security have been top priorities of my Administration. In 2006, I signed groundbreaking legislation known as Energy for Tomorrow that laid the foundation to wean Hawaii off imported oil. In 2008, my Administration signed a historic, one-of-a-kind agreement with the U.S. Department of Energy intended to decrease energy demand and accelerate the use of renewable energy resources in Hawaii. In 2009, we enacted legislation drafted by members of the Hawaii Clean Energy Initiative that will help Hawaii meet our goal of 70 percent clean energy by 2030. I am proud to share these accomplishments with members of the Legislature, federal officials, and the community who are committed to making Hawaii a cleaner, greener, and more secure place to live. I believe we can continue to make significant progress in this arena without this tax and the bureaucracies it will fund. Further, I am concerned that some of the money in this bill would be used to fund entities that have no direct relationship to the stated purposes of the legislation.

"Rebuttal: "Significant progress" by the Lingle Administration means relying heavily on U.S. Department of Energy funding and ARRA grants, both sources of funding will be dramatically reduced in the next 18 months. When the Lingle Administration leaves office, the ARRA monies allocated for energy and the petroleum violation trust fund, which has supported the Energy Division for several decades, will be depleted and sucked dry. In dealing with critical issues like energy and food security, these are long-term strategies that cannot be planned or implemented by election cycles or by a single person's action for a large scale transformation to occur. The Governor's office has not been realistic about the Hawaii resources that will need to be committed to engage the U.S. Department of Energy in Hawaii's efforts nor the staffing resources for the Energy Division and Department of Agriculture to make this complex transition for fuel and food security.

"Governor: In sum, we must be willing to make tough choices and work together to prioritize the public programs that have the potential to genuinely address the State's dependence on imported oil and imported fuel without burdening our families, our businesses, and our economic recovery.

"Rebuttal: As an isolated archipelago, we are vulnerable to fuel and food supply disruptions and global forces beyond our control. A transition to a clean energy economy and a strategy to reduce both our fuel and food imports, which is funded through this tax increase, puts Hawaii's destiny more under our control. It will take long-term planning, a smart strategy, public-private partnerships, the infusion of new technology, smart investments and political will to achieve this strategy. Hawaii should be the center of research and development, technology validation and integration for a clean energy economy transformation. But we can only be taken seriously and achieve these goals if we, as the leaders, residents and businesses of this State, make the needed long-term commitment and investment by putting our money where our mouth is."

REBUTTAL TO GOVERNOR LINGLE'S PRESS RELEASE REGARDING HOUSE BILL 2421 VETO

"Governor: Governor Linda Lingle today vetoed a bill that would cost Hawai'i residents and businesses $22 million in new taxes every year on petroleum sold in the State.

"Rebuttal: In 2008, Hawaii paid $8.4 billion for its energy costs.

"Governor: The bill, HB 2421, HD2, SD2, CD1, would impose a $1.00 increase in the tax on each barrel of oil sold in the State.

"Rebuttal: This bill should not be viewed as a tax, but a retention fee. A retention fee to reduce the over $8 billion each year we ship offshore to pay for our imported fuel and food.

"Governor: The bill deceptively purports to use funds generated from the tax increase to promote energy and food security in the State, but in reality, over half of the money raised by the tax would be diverted for general government operations rather than reducing our dependence on imported oil and food.

"Rebuttal: While the initial objective of this measure was to accelerate programs to reduce our fuel and food imports, given the economic reality, the tax will be used to help balance the general fund budget. However, important and core energy and agriculture programs are still general funded. While 60% of the tax will go to the general fund consider this, general funds are used to:

- Fund Agricultural Inspectors, critical positions to facilitate the import and export of agricultural products and mitigate invasive species; and
- Payout the renewable energy technology income tax credits ($18.5 million).

"Governor: The tax increase would raise the cost of living and increase the cost of doing business in the State by making virtually everything more expensive, including electricity, gasoline, trucking, shipping, retail goods, food, public and school buses, and even the propane for backyard barbeques.

"Rebuttal: The cost of doing nothing will have a far greater impact and leave Hawaii vulnerable to energy pricing volatility and supply disruptions beyond our control. Rising energy cost is the major factor that increases the cost of living, the proposed tax increase is fixed and becomes less significant as the cost of crude oil rises.

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- Forecast: Crude oil $100.00 per barrel by year end – 22% price increase

"Governor: "The impacts will ripple through our entire economy," Governor Lingle said in a message to legislators detailing the reasons she vetoed the bill. "I am particularly concerned that the tax increase occurs at a precarious moment when the State economy is beginning to stabilize and progress out of the slump created by the global recession."

"Rebuttal: The economic development opportunities are in the energy, agriculture, health and education sectors. However, the energy sector is the bedrock of our economy. Stable, predictable energy pricing is a major factor that affects each sector of our economy and offers an opportunity for economic growth. The energy sector moves hand-in-hand with the information technology and communications as technological integration require software and communications support. It is important to remember:

- As the global economy recovers, the demand for crude oil will increase.
- Increased demand means higher crude oil prices

"Governor: The Governor is particularly concerned that poor families throughout the State would be hurt the most by the higher energy prices that would result from this tax increase since energy costs account for a higher percentage of the expenses for those at lower income levels.

"Rebuttal: As the cost of fossil fuels rise, it will be those who can least afford rising energy costs that will ultimately bear the burden of maintaining an antiquated electricity and transportation infrastructure. One of the key objectives of the Hawaii Clean Energy Initiative is grounded in social and economic justice; that is we provide for a strategy that moves our entire community forward to secure the benefits of a clean energy economy and food security transformation for each person and business throughout Hawaii. The tax is broad based, a burden shared by all and a tax that can be offset by efficiency and conservation measures.

"Governor: In addition, there would a disproportionate impact on gasoline expenses for Neighbor Island residents, as well as those on O'ahu's leeward coast, the 'Ewa and Kapolei areas, the North Shore and rural windward communities because they must commute over greater distances.

"Rebuttal: The anticipated impact on the cost for a gallon of gasoline (2.4 cents per gallon) if you drive a vehicle that averages 20 miles per gallon are as follows, however, these additional costs can be offset through efficiency and conservation.

$0.24 for every 200 miles driven
$2.40 for every 2000 miles driven
$24.00 for every 20,000 miles driven

"Governor: While one of the stated intents of the bill is to "establish a clean energy initiative to manage the State's transition to a clean energy economy," Governor Lingle noted that her Administration, in collaboration with the Legislature, federal government and community partners, has already made significant progress in this arena without the need for a regressive tax increase that would negatively impact every Hawai'i resident and business and jeopardize our economic recovery.

"Rebuttal: "Significant progress" under the Lingle Administration means relying heavily on U.S. Department of Energy funding and ARRA grants, both sources of funding will be dramatically reduced in the next 18 months. When the Lingle Administration leaves office, the ARRA monies allocated for energy and the petroleum violation trust fund, which has supported the Energy Division for several decades, will be depleted and sucked dried. In dealing with critical issues like energy and food security, these are long-term strategies that cannot be planned or implemented by election cycles or by a single person's action for a large scale transformation to occur. The Governor's office has not been realistic about the Hawaii resources that will need to be committed to engage the U.S. Department of Energy in Hawaii's efforts nor the staffing resources for the Energy Division and Department of Agriculture to make this complex transition for fuel and food security.

"Governor: The Governor vetoed a similar measure last year. One of her main concerns in that bill was the impact the barrel tax hike would have on aviation fuel for commercial airlines. Under this current bill, legislators were sympathetic to the plight of the airlines that are reeling due to the downturn in tourism and exempted aviation fuel from the barrel tax increase.

"Rebuttal: The inclusion of aviation fuel was never a valid reason to veto the bill last year since federal law would have pre-empted the State law. It is a non-issue in this measure.

"Governor: However, the entire $22 million annual tax burden would now shift to every other business in the State and ultimately all Hawai'i consumers who are struggling to cope with today's economic challenges.

"Rebuttal: You can spin this as a $22 million annual tax burden, or talk about it as a $22 million retention fee to reduce the over $8 billion we ship offshore each year to pay for our imported fuel and food needs. The $22 million retention fee provides for economic opportunities, economic diversification and job creation, a reinvestment in Hawaii's future. Business as usual is not a sustainable option. As an isolated archipelago, we are vulnerable to fuel and food supply disruptions and global forces beyond our control. A transition to a clean energy economy and a strategy to reduce both our fuel and food imports, which is funded through this tax increase, puts Hawaii's destiny more under our control. It will take long-term planning, a smart strategy, public-private partnerships, the infusion of new technology, smart investments and political will to achieve this strategy. Hawaii should be the center of research and development, technology validation and integration for a clean energy economy

transformation. But we can only be taken seriously and achieve these goals if we, as the leaders, residents and businesses of this State, make the needed long-term commitment and investment by putting our money where our mouth is."

Representative Souki rose to speak in support of the override, stating:

"Yes, Mr. Speaker, strong support. And I wish to call for the question."

At this time, Representative Souki called for the previous question.

The Chair then stated:

"Thank you. The question has been called and the Chair agrees with that."

Representative Takai rose to speak in support of the override, stating:

"Thank you, in support. Also I would like to take the comments of the Chairman of the EEP Committee, as well as the Chairman of the Finance Committee as if they were my own. And just mention one quick thing, Mr. Speaker. Thank you.

"This is a very tough issue. I realize that, I think we all realize that. But I do want to commend and congratulate both the Chairman and the Vice Chairman of the Energy and Environmental Protection Committee for doing such a great job moving this through. We spend $9 billion each year, we as the State of Hawaii. $9 billion gets sucked away from our economy because we pay for this oil. If there's any state in the union, we should be doing this because we are an island state. Thank you, Mr. Speaker."

Representative Pine rose and stated:

"Are we doing written comments and then talking?"

Speaker Say: "No. Would you like to submit your written comments in opposition on your second time of rebuttal? The Chair will allow you."

Representative Pine: "Yes."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in opposition to override the Governor's veto of House Bill 2421, Relating to Government. This bill will modify the environmental response tax (i.e. the "barrel tax") into the environmental response, energy, and food security tax. This bill raises the "barrel tax" from 5 cents to $1.05. Out of this $1.05 tax, only 45 cents will be applied to the positive initiatives proposed in this bill. The balance of 60 cents goes directly into the general fund.

"Mr. Speaker, this bill is a tax increase on the consumer under the guise of helping the environment. The proponents of the bill want people to know that this bill will help the environment, but fail to mention that most of the money will go into the general fund. There are other methods of generating revenue for the general fund, and this is not the most economically feasible one.

"Everyone who drives a motor vehicle will be affected by this tax increase. The hardest hit will be those (like my constituents) who live in rural areas, and have to commute to work on a daily basis. Their fuel costs will add up over time while they continue to find ways to pay for basic items like food, water, and electricity.

"For these reasons, I oppose overriding the Governor's veto of House Bill 2421."

Representative Finnegan rose to respond, stating:

"Mr. Speaker, just a short comment please. Thank you, Mr. Speaker. Really quick. When it comes to taxes Mr. Speaker, it's arguable that we work six months out of the year, six out of twelve months paying taxes. So when we look at this and other people say, and I'm talking about all taxes. Taxes that are embedded in food. Taxes that are embedded in services. Taxes that are embedded in everything. So when you take a look at this and you say, 'It was just a tiny, itty bitty tax,' Mr. Speaker. I disagree with that."

Representative Pine rose to respond, stating:

"Sorry. I misunderstood you. I thought we couldn't talk. I just want to say a couple of sentences. We talked about how this money was going to be going to *kupuna* care and all these wonderful social services. I just want to remind the Members that just yesterday we raided the rainy day fund to fund all these services. So saying that this tax is for those services is very misleading Mr. Speaker."

Representative M. Oshiro rose in support of the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"I rise in support of the override of the Governor's veto of House Bill 2421, Conference Draft 1.

"Mr. Speaker, the barrel tax is a minimum cost increase that will provide a long-term benefit.

"The Governor argues that this tax policy runs counter to a progressive tax structure because it will shift the tax burden unfairly to consumers and poor families more than any other group in our society. I would like to ask the Governor who she thinks should pay for the inevitable climate changes and pollution if not the consumers who use petroleum products? This tax-shifting policy is a substitute for a blanket 1% GET increase on all sales and consumption of goods. This barrel tax displays a clear use of petroleum products and the corresponding impacts to the environment and therefore is an avoidable tax when our use of petroleum products is reduced.

"With the passage of this bill, a portion of the monies goes to some of the critical programs and positions like agricultural inspectors, of which the recently passed House and Senate re-instituted 22 of the 28 quarantine inspector positions eliminated from the Governor's budget. The portion of the tax being deposited into the Agricultural Development and Food Security Special Fund will provide continuous funding for these critical positions, so as not to be cut from the budget in future sessions and times of economic decline.

"Monies from the Agricultural Development and Food Security Special Fund may also be used for awarding grants to farmers and ranchers enduring extreme hardships, including economic challenges and the severe weather conditions.

"As a state, we need to keep in mind that currently, the general fund subsidizes several energy related tax credits. Unfortunately, the data available comes from 2005, but the energy conservation tax credit and renewable energy technologies tax credit cost the general fund:

- Over $3.0 million in 2005;
- Over $13 million in 2004; and
- Over $5 million annually in 2003 and prior years.

"This measure will help to support not just the special funds in the bill, but all the tax credits that go to support businesses engaged in alternative energy industries. In more current years the credits have been modified, but still have significant impact on the general fund. The Department of Agriculture's budget was $9.2 million this fiscal year, $23.3 million for the Department of Land and Natural Resources, and $21.4 million for the University of Hawaii's College of Tropical Agriculture and Human Resources. General funds currently allocated to the aforementioned Departments will continue to see more funding for existing energy, agriculture, and environmental special programs that benefit the public.

SUMMARY OF ESTIMATED IMPACT OF INCREASING THE ENVIRONMENTAL RESPONSE TAX (bbl tax) FROM THE CURRENT $0.05/bbl to $1.05/bbl

	CY10
Proposed Environmental Response Tax (bbl tax), $/bbl	$1.05/bbl
Proposed Environmental Response Tax (bbl tax), $/gal	2.5¢/gal
Estimated Annual Input on Hawaii Drivers	$15.00/driver/year
Estimated Monthly Impact on Hawaii Drivers	$1.25/driver/month
Estimated Impact on Hawaii Drivers Per Day	4.0¢/driver/day
Estimated Annual Impact on Residential Electricity Bill	$9.36/household/year
Estimated Monthly Impact on Residential Electricity Bill	78¢/household/moth
Estimated Impact on Residential Electricity Bill Per Day	2.6¢/household/day
Estimated Annual Increase in Fiscal Revenues	$30,369,573 per year

"In the Governor's Message, she mentions being committed to making Hawaii a cleaner, greener, and more secure place to live, yet cannot support the stable funding source for sustainable food and energy security created by this legislation.

"This legislation expands the purpose of the tax so that Hawaii can focus on sustaining our economy through alternative energy systems, and energy and food security. For an island state, economic sustainability, including energy and food security, is critical for our survival. We import 85% of our food and 95% of our energy. Mr. Speaker, Hawaii has a fresh supply of produce for no more than 10 days.

"This measure will promote economic development for our State through overall job growth in environmental and technology sectors and opportunities for new business ventures focused on renewable energy resources. We have to ask ourselves as citizens of this State, whether or not we are going to be satisfied living with the major cost impacts imposed by the inevitable climate changes. For these reasons, I support the override."

Representative Ward rose in opposition to the override and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition to HB 2421, which increases Hawaii's barrel tax from $0.05 per barrel to $1.05 per barrel in order to tax our people for general fund revenues, as well as promote the State's food and energy security.

"Although I strongly support self-sufficiency and clean energy initiatives, I strongly oppose raising taxes, which is the last thing we should be doing in this economy. A barrel tax increase will make the price of almost everything in the State increase, causing additional financial hardship to families that are already struggling to get by and already have to pay $0.60 per gallon in state and federal taxes.

"I also oppose HB 2421 because only 40 percent of the tax revenues will be used for energy and food security projects, while the other 60 percent will go toward Hawaii's general funds. If legislators were serious about the environment, all of the tax's revenues would be used for the special fund, not less than half. This bill is simply hiding a drastic tax increase behind a good cause.

"Finally, the portion of the tax increase that would go into the general fund is unnecessary for balancing the budget. The House Minority financial plan not only balances the State budget without raising taxes, it allocates $10 million into the environmental special fund. That barrel tax would only generate $8 million for the special fund. (See gene-ward.com/budget.)

"While protecting the environment is certainly important, it doesn't justify increasing the barrel tax by 2000 percent. This bill is Job Killer number one. For these reasons, Mr. Speaker, I oppose HB 2421."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2421, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," as contained in Gov. Msg. No. 283 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Aquino, Awana, Belatti, Berg, Bertram, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Thielen, Tokioka, Tsuji, Wooley, Yamane and Yamashita.

Noes, 9: Brower, Ching, Finnegan, Har, Marumoto, Nishimoto, Pine, Wakai and Ward.

At 11:50 o'clock a.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 2421, HD 2, SD 2, CD 1, as contained in Gov. Msg. No. 283, was approved.

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Chang introduced the daughter of the late Eric Maehara: Ms. Natasha Maehara of Australia.

Representative Karamatsu introduced his sister, Ms. Lara Karamatsu; his former staff, Ms. Tracy Okubo; and his friends, Mr. Mike Noguchi and Ms. Zoe Tanaka.

Representative Ward introduced former Supreme Court Justice Steven Levinson; Ms. Janice Pechauer; and Ms. Sandy Ballard.

Representative Cabanilla introduced an active member of the Filipino community and the League of Women Voters, Ms. Amy Agbayani.

Representative Wooley introduced her constituent, Ms. Debi Hartmann of Laie; and the Representative's husband, Mr. David Henkin.

GOVERNOR'S MESSAGES

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 234, informing the House that on April 14, 2010, H.B. No. 1868, HD 1, was vetoed.

Gov. Msg. No. 234 and H.B. No. 1868, HD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 1868, HD 1, as contained in Gov. Msg. No. 234, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the override, stating:

"Mr. Speaker, I rise in opposition to this. For sake of a better term this is the 'Pearl Iboshi' bill, Mr. Speaker."

Representative M. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order. I believe the current speaker is violating the rules by referring to a particular individual when this is a law of general application."

Representative Ward: "Mr. Speaker, I stand corrected. It's in parentheses."

The Chair addressed Representative Ward, stating:

"Representative Ward, please do not make mention of any particular name or person that this particular bill is addressing. This is basically in general law."

Representative Ward continued, stating:

"Mr. Speaker, I rise in support of the best and the brightest we have to run State government. Without names, we can commend them for their intellectual abilities, for their dedication, their loyalty. And Mr. Speaker, this bill says, if you get an appointment and you're smart and you're wise like a person I can't mention the name of, you will have to go to the penalty box for one year. You cannot go into civil service.

"Now how anti-intellectual can we become as a State government? It's the brains of the people that make government smart and run properly. As I said yesterday on the Floor, Japan has no resources, but they've got its people. It imports everything. You think we've got trouble importing 85% of our food and resources. It's the people that make our society great. What makes government work are good people.

"Mr. Speaker, this is not only for this Governor, it's for previous Governors' people, and future Governors, who when they get good people, they pull out of civil service. They should be able to go back into civil service. Why do we want to punish them? This is anti-intellectual. This is the way that they did it in China when they took the intellectuals and said, 'You guys are now demoted.' It was the Cultural Revolution. Is this some kind of appointment revolution that we're trying to create here? It's bad policy Mr. Speaker. It's anti-intellectual. It's punitive. It's bad policy. Thank you."

Representative Rhoads rose to speak in support of the override, stating:

"Mr. Speaker, in support. I would say that the genesis of this bill is that it is true that you can come out of civil service and even if this bill goes into effect, you can still be appointed to a non-civil service position. But the problem that I was trying to address by introducing it is that, after eight years in an appointed position, you can come back and kick out the person who took your job after you left, and they're out of a job.

"So I think at some point, you just have to make a career choice. There's nothing to stop you from leaving civil service and going to an appointed position. But at some point it becomes so disruptive to come back and take the job away from the person who took your spot, that it just doesn't seem fair to me that you should be able to do that after a really extended period of time. So that's the genesis and there is no prohibition whatsoever on moving from civil service into the appointed positions.

"And if I remember correctly, this is the same rule they have at the federal level. You can get appointed, but I don't believe, and I'm not 100% sure, but I don't believe you have the right to go back after you've served on a Presidential Administration for eight years and you go back to the same civil service job. Thank you, very much."

Representative Souki rose to speak in opposition to the override, stating:

"Yes Mr. Speaker, I want to speak in opposition to this veto. I believe that whoever the Governor is, he or she should have the right to select who they think can best serve the people of the State of Hawaii, and sometimes they need to pick some civil service person to come in and serve. I don't think we should end that process as has been the tradition for the past years, that after the term with the Governor is over, they can go back in the position. And I don't believe we should stymie the Chief Executive's Office from getting the best possible person they can get to serve the people of the State of Hawaii. For this reason, I'm in opposition of this measure."

Representative McKelvey rose in opposition to the override and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. I rise in opposition. I also ask that the words of Speaker Emeritus be entered as my own. I would deem this the anti-excellence bill. We want to do everything we can to encourage people who have proven themselves to do a good job to be able to be tapped to serve on behalf of the State, and not to feel like they're being punished or they can't. And I think that the Governor, as Speaker Emeritus I think alluded to, should have the chance to pick from the best and the brightest so we can deliver the best and the brightest service to the people of Hawaii. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," as contained in Gov. Msg. No. 234 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 41: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Takai, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 10: Chang, Ching, Finnegan, Marumoto, McKelvey, Pine, Souki, Takumi, Thielen and Ward.

At 12:00 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1868, HD 1, as contained in Gov. Msg. No. 234, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 281, informing the House that on April 25, 2010, H.B. No. 2085, HD 1, SD 2, was vetoed.

Gov. Msg. No. 281 and H.B. No. 2085, HD 1, SD 2:

Representative B. Oshiro moved to override the veto of H.B. No. 2085, HD 1, SD 2, as contained in Gov. Msg. No. 281, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. Just short comments. Thank you. I will be voting in opposition. This bill I think has a really great goal that we're trying to coordinate records for health to make sure that we have the best healthcare system possible. The difficulty that I've been struggling with, especially hearing the bill in the Health Committee, is that the protection of privacy and HIPAA laws and everything related to that. I did vote yes on this bill going up to the Governor, but just in trusting the fact that the AG's Office, as well as others who are looking at the protection of privacy vetoed the bill, I will be support the veto. Thank you."

Representative B. Oshiro rose and stated:

"Mr. Speaker, I believe the speaker's comments were in regard to a different bill. This bill is about the QUEST contracts and whether they can continue. I believe she was speaking on HB No. 2086."

Representative Finnegan: "Mr. Speaker, that is correct. I will take my comments back. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2085, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," as contained in Gov. Msg. No. 281 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

At 12:05 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 2085, HD 1, SD 2, as contained in Gov. Msg. No. 281, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 282, informing the House that on April 25, 2010, H.B. No. 2086, HD 2, SD 2, was vetoed.

Gov. Msg. No. 282 and H.B. No. 2086, HD 2, SD 2:

Representative B. Oshiro moved to override the veto of H.B. No. 2086, HD 2, SD 2, as contained in Gov. Msg. No. 282, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition, and I'd like to thank the Majority Leader for correcting me on the previous bill. Mr. Speaker, I just have the same comments, if that's okay. Do I have to repeat it? Okay. The same comments for this bill. Thank you."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2086, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," as contained in Gov. Msg. No. 282 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 48: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Ching, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Thielen, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 3: Finnegan, Pine and Ward.

At 12:08 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 2086, HD 2, SD 2, as contained in Gov. Msg. No. 282, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 284, informing the House that on April 25, 2010, H.B. No. 2866, HD 1, SD 1, CD 1, was vetoed.

Gov. Msg. No. 284 and H.B. No. 2866, HD 1, SD 1, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 2866, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 284, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this bill is a little bit difficult to explain, but I'll try to do my best. This is otherwise called the 'death tax.' This bill proposes to impose a tax on the transferrable estate of a nonresident person who has a taxable estate in Hawaii. It also reestablishes the Hawaii Estate Tax on persons, noncitizen or otherwise, that's anybody, residents in Hawaii, who passed away after April 30th 2010.

"Mr. Speaker, the Economic Growth and Tax Relief Reconciliation Act of 2001 or EGTRRA did two things pertinent to this bill. First, it abolished the federal credit for state death taxes. Prior to this abolishment, paying Hawaii's State death taxes allowed you to take an equivalent credit on your federal estate tax return. In other words, you had a wash as far as your overall death tax bill was concerned. However, EGTRRA also eliminated the federal estate tax for 2010. There's no federal credit for state death taxes. But House Bill 2866 will reinstate the Hawaii State death tax anyway. This is not a wash. For those that have the unfortunate fate of dying after April 30, 2010 with a taxable estate, beneficiaries will have to deal with paying a new Hawaii State death tax without the benefit of taking a credit against a federal tax.

"Mr. Speaker, I realize that this is part of the financial plan. This is $19 million a year I believe, and as we stated earlier Mr. Speaker, in our six-year financial plan and two year budget, we don't have this to balance the budget. Thank you."

Representative Choy rose to speak in support of the override, stating:

"Mr. Speaker, in strong support. Mr. Speaker, this estate tax is a tax on the privilege of transferring property when a person dies. But let's make it absolutely clear: this particular tax will only affect the top 1% or less of residents of the State of Hawaii. It also puts an exemption on the first $3.5 million net value of a person's estate. So we're really talking about just the very, very wealthy of us that can pay this particular tax.

"Mr. Speaker, this tax also helps not-for-profit organizations and charities. One of the things that we can do to lower our estate tax obligation is to give our money away. And I know that's hard for some, but our charities and not-for-profit organizations do benefit from a tax such as this. So this estate tax is progressive, it is for those who can pay it, and I know a lot of my clients, they're willing to pay this particular tax to help the rest of the residents who can't afford to. Thank you."

Representative Rhoads rose to speak in support of the override, stating:

"Mr. Speaker, in support. I think it's also important to note that because it only affects the very highest income earners, in general, the highest income earners do not make their money from earned income. Because with earned income, you don't even have the right to see the tax money in your paycheck. Every time you get paid, the tax money that you pay is gone already. And if you suggested it to the IRS, to the State Department of Taxation, that, 'Hey, I'll tell you what. I'll just keep my tax money until the end of the year, and then I'll pay you in a lump sum.' It doesn't work that way.

"With wealthy individuals, the vast majority of the time their wealth is derived from capital gains. If you hang on to your property, one of your capital gain properties is either stocks or bonds or real estate, and keep it until the time of your death. Your basis is stepped up at death and you never pay tax on that at all.

"That of course is why the estate tax was originally instituted years and years ago when one of the big proponents of the estate tax was the Republican President Teddy Roosevelt. The reason for it was that it just wasn't fair that the wealthiest individuals never paid taxes on the biggest chunks of their incomes. So I think this is truly a fairness and an All-American bill, and I support it. Thank you."

Representative Finnegan rose and stated:

"Point of personal privilege. Mr. Speaker, I believe the previous speaker is saying that I'm not American. That this is an All-American bill."

Speaker Say: "No he did not mean it in that way Representative Finnegan."

Representative Finnegan: "Mr. Speaker, I don't think that taxing the rich because they have money according to what he says is necessarily fair. Mr. Speaker, I guess maybe this is the difference between the Representative from Downtown and me. When you buy a piece of property, you're not buying a piece of property with tax-free money. This is money that you've earned and you've paid taxes on. And what is expecting is afterwards when you, not even sell it, but you die, and you give it to your kids. No matter what the cost is of that property or the appraised value is of that property, because when you die, you have to pay taxes to give it to your kids. I don't understand what's fair in that. Thank you."

Representative Rhoads rose to respond, stating:

"Mr. Speaker. Thank you, in rebuttal. The reason it's fair is because if, say you buy a house, well houses are a bad example because we have specials rules for personal residences. But if you had a second house and you bought a second house and you paid $100,000 for it and it increased in value before your death to a million dollars, when it's given to your heirs whoever they may be, the basis is stepped up to a million dollars. It's not the money that you paid to buy the property, the $100,000. It's the gain that you got from having that piece of property appreciate from $100,000, to a million dollars. And then you sell it again. This is essentially an investment property because it's a second residence. You never pay taxes on the $900,000 if you keep it until you die, and that's the part that's not fair. Thank you."

Representative Pine rose to speak in opposition to the override, stating:

"I just want to make a correction. In opposition, and in rebuttal. I think it's very misleading to say that we're just taxing the rich. I want to give you an example of a lot of people that I know that worked on the plantation and they were very wise. They happened to buy land. That was just their tradition. They're from the Philippines and I know many of them. They always invested by buying land.

"My grandmother for example, this doesn't affect her, but she's about a million dollars shy from this, from being taxed. My grandmother makes $600 a month in social security. She never spent her money on frivolous things. She always saved, and saved, and saved, and saved. Technically her land is worth $2 million, and we're saying that she's wealthy. She's just a couple houses shy of a couple of her friends, that if she does ever sell her land it's going to be worth this much.

"But what we're saying is that while you may be taxing the rich, or according to the Representative from Manoa are willing to give which they should while they're alive I guess, if that's what they're willing to do, you could be taxing a very economically poor family who happens to be land rich. Many of the families that this would relate to, they are land rich, but they don't want to sell their holdings. But according to this tax they're going to have to get rid of many of their holdings just to pay for the tax.

"So while we have this conversation of penalizing the rich to help the poor, I do want to remind the Body of a wonderful quote from Abraham Lincoln where he said, 'You do not make a weak man strong by making a strong man weak.'"

Representative McKelvey rose to speak in support of the override, stating:

"Thank you very much, Mr. Speaker. In support, and may I have the words of my Vice-Chair entered into the record as if they were my own. And I can assure the good Representative from Ewa Beach, the word is 'net.' $3.5 million net, which means you basically deduct the losses. So if they have a mortgage on the house and other types of things, you take that out. So even at $2 million gross they wouldn't be affected. But I guarantee that after the net you won't be anywhere near it. Thank you, very much."

Representative Ching rose to speak in opposition to the override, stating:

"Thank you very much, Mr. Speaker. In opposition as well. Thank you very much. I ask that the words of the Representative of Ewa Beach be entered as my own. Thank you, Mr. Speaker.

"My three concerns with this is, number one, I wanted to reiterate the concern that this would impose a tax on families with valuable land holdings that may not necessarily be what most people would define as wealthy, but it's just that their estate meets those thresholds.

"But number two, this measure targets individuals who are most capable of stimulating Hawaii's economy, providing a disincentive for residents and nonresidents looking to accumulate capital in the State of Hawaii to invest in the State. I think my colleague from Hawaii Kai has said numerous times and I paraphrase because I can't remember his exact words. But he basically had said numerous times that money will go where it feels welcome. It will go where it's attracted. We want it, right now, to increase our revenues, we want to attract revenues.

"The last, and this is an objection, and I think it's important to consider, is that this estate tax applies, it's unfair because it applies to persons who die after April 30, 2010 with little notice or time to inform the public, and does not provide enough time for individuals to adequately plan their estate or their current estate plan. I think that is something that we really have to take into consideration. But mostly I think it's time to try to attract people to business. I'll borrow if I may, one last quote from the Representative of Hawaii Kai who serves on the Finance Committee and is in the Small Business Caucus. He states that Hawaii is the second in the world as most expensive to do business after Japan, after Tokyo. That's something to consider. Thank you."

Representative Souki rose to speak in opposition to the override, stating:

"Yes Mr. Speaker, unfortunately I'm in opposition to this measure. I believe that if someone can rise up from his roots and be able to garner an estate that has grown and is now able to leave it for his family to enjoy, I don't believe that they should be taxed. Not on this basis that we have here. And there's many a person like us who come from a plantation village who has managed to work very hard and get an estate and want to leave it to his family so that they can enjoy it. They can enjoy the fruits of his labor. And so on this measure, I would be voting against this override."

Representative B. Oshiro rose to speak in support of the override, stating:

"Mr. Speaker, I rise in support. Very briefly I just would like to explain, I don't think people are really understanding what's going on. Under our federal tax system and our current Hawaii law, we are tied to the federal tax system. And so right now that's the peg that we have. Back before this Act that the Minority Leader talked about, the exemption was down at $675,000. Throughout the years it's continued to climb to $3.5 million. That's the highest it's ever going to go. At 2010, this year, there was a glitch and they forgot to actually enact it. However, Congress is going to come back and they are going to put in an exemption that they promised to be lower than $3.5 million.

"And so this is really about planning purposes. Right now we are tagging it at the highest level, the highest exemption that Congress has allowed. And so now we know how much money we are going to be making so we can put it in our financial plan. That is all we're doing. We've actually been giving the benefit to many of the residents by exactly

knowing where that exemption is. So we no longer have this floating exemption being tied to the federal level.

"That is the danger, that's where you don't get planning. What we've done is allow people to properly plan because now you know up to $3.5 you're fine. Anything after that, you need to plan. That's going to be it for the rest of time immemorial until we change and that is the purpose of this bill. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal and still in opposition. That is about a Congress that is supposed to move on a bill. For one, they may not move on that bill. For two, Mr. Speaker, this bill is being interpreted that according to the previous speaker from Downtown, as a nonresident bill. That this is for second homes and investments. Mr. Speaker, this is on owner-occupants and it's noted so in the veto message as understanding it to be that way as well.

"Mr. Speaker, my husband used to work for mortgages and reverse mortgages and with that, he would help clients with as they get older and age, that they want to use their equity to pay for their care. And sometimes that's the only thing they have is property. Cash poor, property rich. Mr. Speaker, the way that some of the speakers are talking about this bill is like, 'Oh, it's just for the rich. We don't have to worry about it.' Mr. Speaker, I see it differently because I've been exposed to some of these people who are considered to be rich, and this price tag on this bill is $19 million to those people. So Mr. Speaker, I still am in opposition."

Representative Luke rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In strong support. And the reason why I support this is because I support the concept of the estate tax. The reason for the estate tax is to encourage people to use their money so that it will continue to fuel back into the economy, and you don't want to encourage people to hold on to a chunk of money until they die. The concept of an estate tax is to encourage people to spend the money. It's basic economic and capitalist principles, and I agree with that. Thank you."

Representative Pine rose to respond, stating:

"Still in opposition, Mr. Speaker, and I would like to use the words of the speaker from Wailuku as my own. As well as integrate my comments, my written comments from Second Reading when this bill came in front of us. I do want to rebut the Representative from Lahaina. I just want to explain that it's not just my family's culture, but I know it's, my friends to the right here always says, well it's also the Chinese culture. You never sell land. I want to give an example of some property that I know of within my family, just so people can understand how when you talk about net and gross and what's really going to be taxed.

"My grandmother bought a very simple piece of land on the North Shore for $30,000. Her property tax bill said it was worth a million. So there are many families, the only way that they can give while they're alive as the previous speaker said, is to sell the land. Well, you know what my grandmother uses this land for? She uses it for the family members who are barely surviving in this economy. For my family members who have lost their jobs. This house is meant for whoever struggles. You can live in this home, and so it's been circulating through the families.

"I know many families who are like that. My grandmother was not as lucky to be able to invest in another home. If she invested in three homes or four homes at the time, she would be penalized underneath this bill. And they don't own any mortgages, so they would be forced to sell these homes according to this tax to reinvest into the economy instead of leaving it to their families. So that is why I'm still in opposition, Mr. Speaker."

Representative Cabanilla rose to speak in support of the override, stating:

"Yes Mr. Speaker, in support and I just would like to have brief comments about this bill. I really don't understand why my colleague from Ewa Beach is in big opposition to this bill when she had repeatedly said in this Chamber that she represents the poorest district in this State and she had said so, so many times."

Representative Pine rose and stated:

"Mr. Speaker. I object to that comment and I have point of personal privilege."

Speaker Say: "State your point of personal privilege because all she is doing is reiterating what you stated on the Floor of the House which is recorded in the House Journal."

Representative Pine: "I never said that I represented the poorest district. I represent people who are amongst the poorest in the State."

Speaker Say: "Okay thank you very much for your clarification. Please proceed, Representative Cabanilla."

Representative Cabanilla: "So I don't understand whether she's standing up in opposition on the bill."

Speaker Say: "Representative Cabanilla."

Representative Thielen rose and stated:

"Mr. Speaker, could she address the measure before us?"

Speaker Say: "I'm asking ... Representative Thielen, you're out of order, I haven't recognized you. Representative Cabanilla."

Representative Cabanilla: "Is this opposition to represent the people she represents, or it's to represent the family?"

Speaker Say: "Representative Cabanilla. Representative Cabanilla, please speak and reference the bill that is before us. Please do not make any allusions to your colleague who lives right next door to you at this point in time."

Representative Cabanilla: "The opposition is about a tax for properties with a net value of $3.5 million. Thank you, Mr. Speaker. And the parable that she has given is about a family member. And so now I question whether the opposition is to represent the district, or a family member which stands to give a conflict of interest."

Representative Pine rose and stated:

"Point of privilege, Mr. Speaker. I personally said this does not affect my family, but many people who we know. I was giving examples of property that my family owned."

Speaker Say: "Okay please proceed, Representative Cabanilla. Has that clarified your question about the previous speaker's comment on the Floor in opposition?"

Representative Cabanilla: "It's as clear as mud Mr. Speaker, but I will sit down."

At this time, the Chair stated:

"May we have some proper decorum here in this Chamber? I know the particular issues today are very heated, but to make references or statements from the Gallery is very uncalled for. This is your democratic House and Senate and this is how democracy works, and the debate that the Chair has allowed to occur.

"Personal innuendos and personal allegations are uncalled for here on this Floor. References to Members by name is uncalled for. References made about State employees are uncalled for also. So please confine your remarks to the measures that are before us and the context that each of these measures have.

"I know you all are tired. It's been a long two weeks of grueling Conferences, but let us have some proper decorum on behalf of the people

who are here in this Gallery. On behalf of your voters, and the constituents that you represent. So let's proceed on."

Representative Ward rose and stated:

"Thank you, Mr. Speaker. Blessed are the peacemakers."

Speaker Say: "Representative Ward, please don't make that kind of comment at the beginning of your statement."

Representative Ward rose to speak in opposition to the override, stating:

"Thank you for saying that. I think you put a calm on this, and I just wanted to say one additional piece of objective information in opposition, Mr. Speaker. And that's in regards to the equity argument. I think we're missing one point, Mr. Speaker. We are in Hawaii. We have limited land. And the data that's very clear is that 90% of the land is owned either by 13 landowners and the government. Mr. Speaker, those are primarily trusts. They don't pay this. So if we're saying we're talking about the rich, we've got all of the other people with 10 or 12% of the land which they exchange. And as I think many people have said, we are basically asset rich, but cash poor.

"So when we say we're really going to hit the rich on this, those 90% landowners are the ones we're not touching on this. And if this is all about exchange of the land and the privilege of taxing that exchange, I think we're missing a big, big part of the picture. Thank you."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. My point is that you didn't gavel us to come back in business so everything that the Representative said is not on the record."

Speaker Say: "It is on the record at this point. I was requesting for proper decorum. I did not ask for a recess."

Representative Marumoto rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. Everyone who is talking about this bill is referring to the rich. I believe that we will actually impact a lot of middle class people who just go over the mark. People are going to have to sell their homes, their businesses, their farms, to be able to pay the tax, and then they'll come crying to you. That's why I'm in opposition. I would like to have the words of the Speaker Emeritus entered as my own. Thank you."

At this time, the Chair stated:

"Representative Ching, this is your third time if I'm not mistaken. You will not be recognized as this point. At this point in your career, don't you know parliamentary procedures and rules? Please understand what I am trying to say to all of you. If you are questioning the Chair's ruling, please be aware that I am aware of what is happening."

At 12:33 o'clock p.m. Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m.

At this time, the Chair stated:

"At this point we've had a lot of discussion on this particular measure. For those Members who have not submitted their written comments or spoken on this Floor on this particular measure dealing with estate tax, the Chair will allow you to submit written comments, for those who have not spoken or submitted their written comments. If not, we will take the roll call vote."

At 12:35 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 2866, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," as contained in Gov. Msg. No. 284 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 43: Aquino, Awana, Belatti, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 8: Berg, Ching, Finnegan, Marumoto, Pine, Souki, Thielen and Ward.

At 12:38 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 2866, HD 1, SD 1, CD 1, as contained in Gov. Msg. No. 284, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 285, informing the House that on April 25, 2010, S.B. No. 2159, HD 1, was vetoed.

Gov. Msg. No. 285 and S.B. No. 2159, HD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 2159, HD 1, as contained in Gov. Msg. No. 285, seconded by Representative Evans.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," as contained in Gov. Msg. No. 285 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 39: Aquino, Awana, Belatti, Berg, Bertram, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Say, Shimabukuro, Takumi, Tokioka, Tsuji, Wakai, Yamane and Yamashita.

Noes, 12: Brower, Ching, Finnegan, C. Lee, Marumoto, Pine, Saiki, Souki, Takai, Thielen, Ward and Wooley.

At 12:41 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 2159, HD 1, as contained in Gov. Msg. No. 285, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 261, informing the House that on April 22, 2010, S.B. No. 2394, HD 1, was vetoed.

Gov. Msg. No. 261 and S.B. No. 2394, HD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 2394, HD 1, as contained in Gov. Msg. No. 261, seconded by Representative Evans.

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker, in opposition. I just wanted to mention for the edification of the audience what this bill is about. The purpose of this bill is to delete the requirement that the Department of Human Resources Development be the Chairperson of the Deferred Compensation Plan Board of Trustees. There are some other things in here, but the bill is objectionable because it negatively impacts the State's supplemental retirement plan for over 28,000 government employees by changing the composition of the plan's Board of Trustees."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2394, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," as contained in Gov. Msg. No. 261 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

At 12:45 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 2394, HD 1, as contained in Gov. Msg. No. 261, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 262, informing the House that on April 22, 2010, S.B. No. 2501, SD 1, HD 1, was vetoed.

Gov. Msg. No. 262 and S.B. No. 2501, SD 1, HD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 2501, SD 1, HD 1, as contained in Gov. Msg. No. 262, seconded by Representative Evans.

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I am in opposition to this particular measure. I would like to request a ruling on a conflict of interest. My husband is a retired CPA," and the Chair ruled, "no conflict."

Representative Marumoto continued in opposition to the override, stating:

"Thank you. I am in opposition to this motion to override Senate Bill 2501, and if I could just explain the current law. It does require peer review of all CPA firms and almost all firms undergo this type of review every two or three years. The larger firms undergo this on a three year basis and they have their own procedures. Anyone who is a member of the Hawaii Society of CPAs undergoes this peer review. So if you're not a member of that firm, then there is no requirement.

"If you do this type of work called attest work, this bill would require accounting firms that do attest work to undergo peer review in order to obtain a permit to practice in Hawaii. Every accounting firm that performs attest work must undergo a peer review every three years according to this bill. Adequate peer review is good for the consumer because it ensures the quality of the firm and supposedly the work that it puts out.

"However, the measure mandates office-specific peer reviews that may not be consistent with current peer review standards of the American Institute of CPAs. Many multistate and multinational firms in Hawaii already participate in the nationally recognized system of peer review that includes the work they perform in Hawaii.

"The Accountants Council points this out as a flaw in the bill. In a communication, they say, 'including the Hawaii offices and Hawaii engagements of foreign or multistate firms,' should be stricken from section 5(a) because they are inconsistent with nationally accepted standards of performing and reporting in peer review the American Institute of CPAs. Instead, section 5(a) should simply read, 'Every firm required to obtain a firm permit to practice pursuant to section 466-7 shall undergo a peer review every three years on the firms attest work and submit evidence of such peer review at the time of the renewal of the firm's permit to practice under section 466-7.'

"This change in requirement, if this bill passes, may discourage some multistate firms from taking jobs in Hawaii. And I might point out that frequently, the State and county governments have utilized big firms, these multistate firms, to do reports and audits for us. We might have fewer accountants from which to choose if this bill passes.

"Finally, while many firms, big and small, who do attest work do undergo peer review, some small local firms do not undergo peer review. They may not even know about this bill, and in fact may avoid membership in the Hawaii Society of CPAs that requires peer review from its members. Some small firms will now be mandated to spend several hundred dollars or maybe a few thousand dollars to comply with this requirement. So I encourage you to consider a no vote. Mahalo."

Representative Choy rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict. Mr. Speaker, I'm a CPA," and the Chair ruled, "no conflict."

Representative Choy continued in support of the override, stating:

"In strong support, Mr. Speaker. Only three firms lobbied the Governor to veto this bill. Just three firms. There's over 250 firms in the State of Hawaii. The three firms that lobbied the Governor to veto this particular bill were the large multi-international firms.

"But we must ask ourselves, why? If they are peer reviewed as the previous speaker said, if they do such great work, why are they so afraid of peer review? The truth be known that the large international firms in the State of Hawaii are so small that they may be a part of their national program, but their offices are rarely, if ever, selected.

"Mr. Speaker, my firm is now undertaking its seventh peer review, and that's over a 25 year period. This particular bill, the way it was crafted, levels the playing field for all local firms, or I should say all CPA firms for the State of Hawaii. Because it is recognized that peer review is good for the consumer.

"Mr. Speaker, in the ten years of the accounting wars, this is the first time the Hawaii Society of CPAs and the Hawaii Association of Public Accountants actually supported one measure and it was this one. So colleagues if you could support me in this measure, I would really appreciate it. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this is a confusing bill. I really had to dig into this bill and listen to the people on both sides. I just wanted to clarify some of the things that the previous speaker had said. It's possible that just three large firms lobbied the Governor to veto this bill, but I remember what took place prior to the passing of this bill up to the Governor.

"It wasn't just the three firms being against this bill all the way through this bill passing from Committee to Committee. No, it was not. It was many, many people wanting a change of language. Many accountants and the bigger group, and I can't remember the acronym for it, but the bigger accountancy firms wanting to see some change in language. Livid that that

language was in there, in that bill, that forced a different kind of local peer review on these big companies.

"What happened was they said, 'even though this 'poison pill' was in there, we're now going to back off. It's obvious that the bill is going to pass.' So make no mistake, there was contention on this bill between accountants both big and small. Between small accountants with each other. Medium size accountants and accounting firms. So it's not just three large firms.

"Now let's go to that particular issue. The reason why I eventually voted no on the Final Reading, and now I'm voting no against the veto override was because one of the things that was mentioned in the Finance Committee was that there was a state that was doing the same exact thing as Hawaii wanted to do. And as I mentioned in the Final Reading, from the Board of Accountancy in Washington State, they reversed their movement to have the local office peer reviews for these national firms. These national firms are the ones that do the audits on big companies and banks like HECO, Bank of Hawaii. And so what took place Mr. Speaker was Washington State, after a few years of having this, corrected their actions and said, 'bad policy.' Now there is no state in the nation that is doing this.

"Mr. Speaker, I can understand if we're cutting edge and we want to do something better. But when the only state that decided to be cutting edge turned around and said, 'no we're not going to do this because its more harm than good.' That's what made up my mind in saying no to this measure. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the override and asked that the remarks of Representative Finnegan be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. I don't think that the larger firms are afraid of a local peer review. They have their own stringent peer review and the firm will pay up to $100,000 or so to undergo this. It really will affect the very small firms who are not members of the Hawaii Society of CPAs and who do attest work. I agree with the words of the Minority Leader. We will be the only state in the Union to have this type of review and I don't think it's really good policy.

"I rebut the remarks of the Manoa Representative who said there were only three firms that are involved in the Accountant's Coalition who are in opposition to this measure. There are actually five firms and they are Ernst & Young LLP, Deloitte and Touche LLP, KPMG LLP, Grant Thornton LLP, and these firms have offices in Hawaii, and then there's Price Waterhouse who is no longer located here, but comes back to do certain jobs in Hawaii. Thank you, very much."

At 12:56 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

At this time, the Chair stated:

"Once more the Chair will restate the motion that is before this Body. This is a roll call vote. For those who support the roll call will vote 'aye', for those who oppose the override will vote 'no.' After this we'll have a short recess since the Senate has already adjourned for today and they want to present to us a *sine die* resolution. So just think about it, we're way behind the Senate at this point in time because of the lively debate this morning and this afternoon."

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," as contained in Gov. Msg. No. 262 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 45: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 6: Ching, Finnegan, Marumoto, Pine, Thielen and Ward.

At 12:59 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 2501, SD 1, HD 1, as contained in Gov. Msg. No. 262, was approved.

At this time, the Chair stated:

"Members of the House, we will take a 15 minute recess to allow our Senate counterparts to say *aloha* and *sine die* to all of us."

At 12:59 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:32 o'clock p.m., with Vice Speaker Magaoay presiding.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 286, informing the House that on April 25, 2010, S.B. No. 2650, SD 2, HD 2, CD 1, was vetoed.

Gov. Msg. No. 286 and S.B. No. 2650, SD 2, HD 2, CD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 2650, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 286, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the override, stating:

"Thank you Mr. Speaker, I rise in support of a veto override for Senate Bill 2650, CD 1. Mr. Speaker."

At 1:33 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:34 o'clock p.m.

Representative Mizuno continued, stating:

"Thank you, Mr. Speaker. Seeing that nobody is opposing the veto override, I'd like to submit written comments in support of the veto override of this measure."

Representative Mizuno's written remarks are as follows:

"I rise in support of SB No. 2650, CD 1. I would like to commend the Minority Leader for her passion and her position in seeking to improve State services and reduce costs. Interestingly, I am in complete agreement with the Minority Leader in moving toward becoming more efficient by improving the delivery of State services and reducing costs. I believe our differences stem from the method of seeking improvement of service, cost savings & making sure we are not in violation of federal or State law.

"Background: As this Body is aware of, in March of this year the Department of Human Services (DHS) Director issued notices to 228 DHS employees statewide that (mostly eligibility workers) their positions would be abolished and eligibility offices would be closed in all 31 locations statewide.

"Who will feel the impact? Statewide Beneficiaries: over 300,000 – low income needy individuals and families – aged, blind and disabled,

homeless, domestic abuse victims, our QUEST and Expanded QUEST beneficiaries, and all lower income children and adults. This move to close every single public assistance office will weaken Hawaii's health and human services safety net and increase welfare fraud. If EPOD is allowed to move forward it would gut the Department of Human Services.

"I would like to share with you the genesis of SB 2650, CD 1. This was our statement made before every I.B. on Oahu, Maui, Kauai and Hilo.

"It is not by a dictatorship, but rather through respect and relationships that we will find a solution to our dilemma. We are looking for consensus builders and solutions seekers – by the end of this briefing we will have identified a summary of viable solutions.

"On Maui, your Chair of the Hawaiian Affairs Committee, the Representative from Kihei, and your Speaker Emeritus held a briefing in a packed HGEA office in Wailuku. On Kauai your stellar Kauai delegation was met with 3 Council Members in a packed Kauai Community College room with their community members. On the Big Island, over 150 community members attended your legislative briefing on EPOD.

"Mr. Speaker SB2650, CD1 was created by the people of Hawaii, this was done with collaboration and consensus from our briefings.

"EPOD is not acceptable for the following reasons:

1. The Supplemental Nutrition Assistance Program (SNAP) Administrator for DHS, Linda Tsark, testified against the Eligibility Processing Operations Division (EPOD) plan and was shocked that the Director failed to consult with her before sending out the termination notices to 228 DHS employees. In fact, the SNAP Administrator stated at a subsequent legislative briefing that we could lose up to $15 million dollars in federal public assistance if we are not in compliance with federal rules and regulations.

2. The Chief Investigator for the DHS Welfare Fraud Division spoke against the EPOD plan and was concerned that the DHS Director failed to consult with him or his office before moving forward with the EPOD proposal.

3. A letter dated April 2, 2010 from U.S. Congresswoman Mazie Hirono to DHS Director Koller states in relevant part, "I have received a copy of a March 9, 2010, letter to you from [the] USDA Food and Nutrition Service, regarding the state's plan for reorganization.… I am concerned that my constituents, especially those on the Neighbor Islands, continue to receive the critical support provided by this office, especially access to SNAP, which is federally funded…[The USDA] has several questions regarding timely processing of applications, providing clients access to face-to-face interviews, and improving access to services for persons with limited English proficiency. I would appreciate receiving a copy of your response.…" We contacted Congresswoman Hirono's office yesterday and they informed us that they have not received a response from Koller.

4. The Letter:
   a) The United States Department of Agriculture and its Food and Nutrition Service (FNS) provided in a letter to Koller dated March 9, 2010, which states in relevant part, "…the State agency must grant a face-to-face interview to any household which requests one. Please explain how this requirement will be met if there are no offices on many of the Neighbor Islands."

   b) Federal Regulations and Title VI of the Civil Rights Act of 1964 requires that State agencies provide language services to limited English proficient applicants or recipients of public assistance benefits. Moreover, Executive Order 13166 requires agencies to develop and English proficiency. The U.S. Dept. of Agriculture posed the question to Koller in their March 9th letter "Please explain how these requirements will be met under the proposed reorganization."

5. Just yesterday my Legislative Aide, Raytan Vares, called the U.S. Dept. of Agriculture Regional SNAP Director Dennis Stewart regarding their letter sent to DHS Director Koller (March 9, 2010). This is what was stated to my Legislative Aide, "No, no, no, we have not received a response letter from Director Koller regarding our concerns on EPOD. We understand the worry this has caused to the people of Hawaii, which is why we have our eye on this EPOD plan. We are very concerned and will follow up with a second letter soon." (Concern: 115,000 participants in SNAP former food stamp program & $15 million dollars in federal public assistance).

6. A DHS employee forwarded an email, dated March 15, 2010, with the time 3:08 p.m. This email went to only certain DHS employees and provides, "Hi everybody, Director Koller is requesting recommendations and comments for EPOD operations. Please email to me suggestions from yourself and staff by noon tomorrow, Tuesday, 3/16/10." This is not meaningful consultation with staff and DHS employees. Shortly thereafter, Director Koller sent out termination notices to 228 DHS employees.

7. The Director does not have a plan when she launched her campaign to close every single welfare office in the state. How do I know that? At one of our briefings we received this copy of this Solicitation Title: Eligibility Processing Operations Division (EPOD) with a Solicitation date of issue: Feb. 25, 2010.

"What does this solicitation request: Expert testimony at the Director's request to the Legislature on EPOD.

Assistance in communicating with the media and public;
Assistance in preliminary planning of office configuration;
Assistance in more fully defining work flow processes and procedures; and
Assistance in determining help with the application process and other assistance required regarding EPOD.

"Mr. Speaker, it is not by dictatorship, but rather through respect and relationships that we find solutions to our concerns with EPOD. Today we found solutions and consensus. Today the House of Representatives can override the Governor's veto of SB2650, CD1 and stop the DHS Director's plan to close every single public assistance office in our State.

"For all of the foregoing reasons, I support a veto override for SB2650, CD1 to ensure the 228 hardworking DHS employees continue to provide essential services to over 300,000 of our most needy residents in our State."

Representative Finnegan rose to speak in opposition to the override, stating:

"I think I'm being called out, Mr. Speaker. I am going to vote in opposition to this measure. Mr. Speaker, this is the infamous EPOD bill. The Eligibility Processing Operations Division, and let me just talk about what this bill is. This has to do with a modernization project within the eligibility area within the Department of Human Services for programs like Medicaid, for programs like Food Stamps or now what's called SNAP, cash assistance and other programs.

"And what this program was meant to be, and across the nation what they found is that through a different application process, through modernization of using technology, whether it be phones or online and mainly phones, and organizing workflow in a different way, consolidating all of these different things in a big modernization program, that you will find across the nation that services to the vulnerable are quicker and easier for the client, number one. And the federal government has been pursuing and encouraging states to move in this direction.

"Mr. Speaker, when I look at that and when people hear that they say, 'Of course. Don't we want to do that? Government should try and do what it can to have quicker and easier services for the clients.' So in this case the controversy in this bill is in this program of modernizing this program. The Department of Human Services Director had mentioned that she will close down 31 smaller offices and consolidate into two processing offices in Hilo and Honolulu. But what has taken place since then is that there was a

bill and a variety of Committee hearings talking about how the Legislature did not want this to move forward.

"And then a bill that arose on Final Reading, the changes that were made was about doing a pilot project only for the Island of Oahu. I objected during the Final Reading of that bill because I felt that in doing just the pilot program that you really change the whole essence of the program and the modernization.

"Mr. Speaker, I don't mean to offend anyone that works in government, but often times if we don't speak up for what we feel is best for the people of Hawaii, for the taxpayers of Hawaii, for these vulnerable that I believe through all the things that I've read, whether it be in SNAP manuals, or whether it be in correspondence going back and forth with the testimony from the Department of Human Services, or letters between the Regional Administrator and the Department of Human Services. I believe that this program is better for the people of Hawaii because it does number one, give quicker service and is easier for these clients.

"So what does that mean? Usually when you take applications you can either do it face to face, and/or through the mail, or through fax. In the MedQUEST Division right now 85% of their applications come through the mail. Mr. Speaker, what this program does aside from all the modernization of streamlining and doing things differently, it also introduces using the phone to take applications, as well as online applications. Through using the phone and using online, they're finding that these services, these application services end up being much quicker and much more efficient to the workflow. The design of the old model doesn't work as quickly, as efficiently, and you get services to your client much faster.

"Mr. Speaker, it's so important that we look at these ways of improving services for the people of Hawaii and let me just kind of tell you, it's been pretty controversial. There was a petition from, and I'll read it. A petition to Governor Lingle to keep two Department of Human Services Waianae Mall offices open. It says, 'This will allow the eligibility workers to provide the necessary services to over 6,000 people on the Leeward Coast. These two offices are essential for assisting the elderly.'"

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. 'These two offices are essential for assisting the elderly, disabled, and families with critical services of medical care, food EBT cards, and financial needs.' Number one. well, let me read on. 'Many of these populations don't have Internet or fax access so face to face interaction is vital.' And then I think there were about a thousand signatures on this petition.

"Mr. Speaker, I was not born, but I was raised in Waianae so I probably know many of the people who are on this petition. But let me just correct a couple things that were used to have people sign this petition. It says, 'with critical services to medical care.' There is no Medicaid Office application process in Waianae currently. They've already consolidated that in Honolulu so there is no access to Medicaid in Waianae currently.

"Like I said, 85% of the applications come through the mail. By providing online and, another thing it says here, 'Internet or fax access, but face to face interaction is important and is vital.' They don't mention anything about a telephone in here. I bet if you were to ask them, 'Did they have a telephone,' the list wouldn't be a thousand people long because I still go to Waianae and there are many telephones in Waianae, Mr. Speaker.

"Mr. Speaker, the other thing that's troublesome is we heard about the need to collaborate and consult with those who work in the program. I want to read a part of the testimony that was submitted, or a letter that was submitted March 25 on page 19 to Sanford Chun of HGEA, field services officer. It says:

HGEA continues to find disapproval for DHS not engaging enough staff in developing EPOD. This is a strange contention since public unions have complained in the past when State Directors and exempt managers have sought to communicate with subordinate staff who are union included members about proposals to make changes affecting their working conditions.

As previously explained, DHS refrained from contacting staff who are included HGEA members to discuss our EPOD reorganization concept due to it being inextricably linked with our proposed RIF of eligibility positions, which on advice of counsel required that we first engage in consultation with HGEA before contacting its members. However, once you qualified at the February 23rd Legislative Hearing that HGEA had no objection to DHS conferring with staff about our proposed EPOD reorganization, DHS began to gather input directly from staff and will continue to do so on an ongoing basis both before and after the EPOD and RIF are implemented.

"Mr. Speaker, I had a discussion with my husband on this because he's a part of the firefighter's union and he said, 'Absolutely.' You can't, especially when you're talking about reorganization or RIFing, you can't talk to the people who you possibly will be RIFing. You have to go through the union. You have to consult with the union. So Mr. Speaker, all the talk that was why didn't you consult with people down line and all of that kind of stuff, it's because they can't talk.

"Mr. Speaker, probably the most bothersome thing aside from processing applications and looking at the different states, whether it be Florida, Mexico or Utah. Utah now has 80% of their applications come online and that actually helped a lot, the staff's ability to keep up with applications and do things better. Mr. Speaker, if you were to compare, and this has nothing to do with the way people work here. This is the model that they were taught ..."

Representative Thielen rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. This is the model that they were taught. This is the model that the system has given them, and now DHS is looking at a way to modernize it. Mr. Speaker, when modernizing eligibility in New Mexico, processing and eliminating assignments of cases to individual workers has made it possible to reduce the average time to determine eligibility from 20 days, to 6.2 days. This is why it's conceivable to say that you can take some offices and consolidate them, modernize the program, and possibly, possibly RIF employees.

"It's not fun to talk about this Mr. Speaker, but I think we owe it to the public to talk about this. Mr. Speaker, now this is probably the most troublesome thing in doing my research more recently, and that is a report of overdue Medicaid eligibility applications. It goes from the time of this report, and I'd like to include this in the Journal Mr. Speaker.

"It goes from the time of September 2009, up until March 21, 2010. From September to January 25th, 2009, the overdue applications fluctuate 300, 200, 100, but for the most part they're just a little within each other. You know 331, 262 and so on. On January 25th, 2010, the applications in this division was at 307. Mr. Speaker, January 29th is when they opened consultation with HGEA regarding EPOD reorganization and the RIFs. By February 1st, 2010, the number of overdue applications was 471. By March 21st, 2010, the number of overdue applications was 813.

"I don't know if people are connecting the dots like I am in looking at this Mr. Speaker, but it goes from 200 and 300, to 400 within a matter of days. And then a month and a half later, doubles to 800 of overdue applications. Mr. Speaker, what the argument has been, has been we need to do this for the vulnerable people of Hawaii, and this data shows that there was a work stoppage because of this EPOD reorganization, modernization plan. 813 people, 265% increase from January 25, 2010 to March 21st, 2010 in overdue applications.

"That is troubling because the whole reason for having the stoppage on EPOD was because of the vulnerable population not being able to get their medical, not being able to get food stamps, not being able to get cash

assistance. And in a matter of one and a half months, the overdue applications went up 265%. That's even after the RIFs took place last year and everything.

"Mr. Speaker, this program is about giving better services, quicker services, so that people can get medical insurance. It's been proven across the country that it does do this. The federal government is behind it. What do you say to that? This is not about the vulnerable population not getting their services. I don't know how much more clearer I can be."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Finnegan continued, stating:

"This is the defining bill Mr. Speaker, if we're going to stand up for the people of Hawaii and do what we say we want to do. Which is provide services to those who cannot provide for themselves. To do it easier. To do it with more quality. To do it faster. If there is a possibility that we can save money Mr. Speaker, then we should.

"We argued on this House Floor how we needed to raise taxes because of energy. We all believe in energy and clean energy. We all believe in many of these things that we're funding in the budget that we passed. But yet when there is an opportunity to say that maybe government should have some change. Maybe there should be change for the better. Let's reorganize. Let's get better services. Let's get quality in there so that these people don't have to take off of work, march down into an office. Instead they can go ahead and pick up a phone.

"You know there's the whole complaint about fraud. That this is going to increase fraud. After looking at this across the nation Mr. Speaker, they did not see an increase in fraud.

"I hope that we have the guts to sustain the veto and to allow this program to move forward, to work with and encourage the Department of Human Services, to say, 'Whoa. Wait a minute.' Before you start RIFing anyone, let's try and see what we can do without strapping them, and then doing this kind of stuff that the workers themselves … How can you … I'm at a loss for words. I know that's hard to believe.

"Mr. Speaker, this is a very serious subject, I know. And this is about jobs, I agree. I understand. But we have an obligation and a responsibility here. We need to let government be more efficient where it can be so that we can afford and prioritize our spending in places that are most important right now. And if there are ways to do that, we definitely should do it. Thank you."

Representative B. Oshiro rose and stated:

"Mr. Speaker, pursuant to Rule 50, I'd like to yield my time to the Chair of Human Services to rebut her comments. Thank you."

Representative Mizuno rose to respond, stating:

"Thank you, Majority Leader. Mr. Speaker, I still rise in support of the veto override of Senate Bill 2650. I want to commend the Minority Leader for her passion on her position in seeking to improve State services and reduce costs. Interestingly, I'm in complete agreement with the Minority Leader in moving toward becoming more efficient by improving the delivery of State services and reducing costs. I believe our differences stem from the method of seeking improvement of service, cost savings, and making sure we're not in violation of State or federal law.

"Mr. Speaker, as this Body is aware of, in March of this year the Director of Human Services issued termination notices to 228 DHS employees. They were informed that their positions were being abolished and that eligibility offices throughout the State, all 31 of them, would be closed, and two call centers will be opened in their place.

"Who will this effect? Who will be impacted by this EPOD plan of the Director's? Mr. Speaker, over 300,000 legal residents in the State of Hawaii. This will be our blind, our aged, our disabled. This will be those that are on QUEST and Expanded QUEST. This will be our *kupuna.* Our children and adults in low income households. They will close every single office, every single public assistance office in the State of Hawaii Mr. Speaker, if this plan was to go forward. If we allow EPOD to go forward, this will gut the Department of Human Services.

"Mr. Speaker, I want to explain the genesis of this bill and how we came up with this bill. We went to every single county, Mr. Speaker. And in every single briefing we had, I made sure this statement was made to every single county that we were at, when we met with community members throughout the State. It's not by dictatorship, but rather through respect and relationships that we will find a solution to our dilemma. We are looking for consensus builders and solution seekers. By the end of this briefing we will have identified a summary of viable solutions.

"Mr. Speaker, we went to Maui County. The Representative from Kihei, Speaker Emeritus, the Chair of Hawaiian Affairs, did a great job working with a packed room at the HGEA office in Wailuku. We went to Kauai Community College, Mr. Speaker. Also a packed room where your three stellar Kauai Representatives met with three Kauai Council Members and the entire community, the Kauai community, they came out and they talked. We worked on solutions. We met them, Mr. Speaker. Mr. Speaker, we went to the Big Island. 150 community members were there and we talked, and we listened to the community. Not by dictatorship, but by relationship and respect, Mr. Speaker.

"Mr. Speaker, Senate Bill 2650, CD 1 was created by the people of Hawaii. This was done with collaboration and consensus from your people.

"EPOD is not acceptable for the following reasons. With complete respect to the Minority Leader, she mentioned that a lot of the employees that were talking were on the RIF list. I disagree, that's not correct. The reason I know that is because the Supplemental Nutrition Assistance Program Administrator for the Department of Human Services, Linda Tsark was never consulted with EPOD. She was so courageous in coming to the briefings, even the briefing that Director Koller was at. On February 23rd she sat next to the Director of Human Services and openly said, 'This is not right. You have not consulted with me. We have not consulted or worked with the federal government. This is wrong.' This is your top person at the Department of Human Services which deals with the SNAP program. That's 115,000 people in the State of Hawaii that receive food stamp benefits. Your top person disagreed with the Director."

Representative Tsuji rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued, stating:

"Thank you, Mr. Speaker. Another person that was not on the RIF list was your Chief Investigator of the Department of Human Services Welfare Fraud Division, Eric Weyenberg. He also courageously came to the briefings and spoke out against EPOD despite the Director of Human Services being there. This is your expert in welfare fraud. He spoke up against it. In fact a number of investigators spoke up saying that this system would not work. You will not have witnesses. If you use a phone call we cannot connect that. We cannot make a case. They explained, in fact, Rick Damerville, prosecutor from the Big Island said, this will not work. Florida had six prosecutions in one year because they could not get material information against those that committed fraud through the phone or fax. You can't prove that this person did through a phone call or through a fax.

"Also Mr. Speaker, on April 2nd of this year, Congresswoman Mazie Hirino sent a letter to the Director of Human Services. In the letter, and I'll just provide in relevant part what it stated. She said, 'I'm concerned that my constituents, especially those on the Neighbor Islands, continue to receive the critical support provided by this office, especially access to SNAP which is federally funded. The United States Department of Agriculture has several questions regarding timely processing of applications, providing clients with access to face-to-face interviews and improving access to services for persons with limited English proficiency. I would appreciate a copy of your response.'

"We contacted Congresswoman Hirono's office yesterday. She has not gotten a response from the Department of Human Services Director.

"Now I want to also address what the Minority Leader said about this statement. I wrote it down. The Minority Leader said that the federal government is behind it. The federal government is behind it, this EPOD program. That's not exactly true, Mr. Speaker. The reason I can say that is because I have a letter before us from the United State Department of Agriculture. It was sent to the Director of Human Services and it's dated March 9th, 2010. It provides in relevant part Mr. Speaker, 'The State agency must grant a face-to-face interview with any household which requests one. Please explain how this requirement will be met if there are no offices on many of the Neighbor Islands.'

"It goes on to another request, 'Federal regulations in Title VI of the Civil Rights Act of 1964 requires state agencies to provide language services to limited English proficient applicants or recipients of public benefits. The United States Department of Agriculture posed this question to the Director in their March 9th letter. Please explain how these requirements will be met under the proposed reorganization.'

"Mr. Speaker, the last paragraph says, 'Please address these concerns within 30 days.' Obviously it's been more than 30 days and these have not been addressed.

"In fact, we called the United States Department of Agriculture yesterday and spoke to the Regional Director Dennis Stewart regarding the letter that was sent to the DHS Director in Hawaii. Dennis Stewart had this to say and I quote, these are his exact words, I quote, 'No, no, no. We have not received a response letter from Director Koller regarding our concerns on EPOD. We understand the worry. This has caused the people of Hawaii which is why we have our eye on this EPOD plan. We are very concerned and will follow up with a second letter soon.'

"It's the federal government, Mr. Speaker. 115,000 of our people currently get these benefits. If we don't play by the federal rules we can be blocked out. 115,000 of our people. How much money is that, Mr. Speaker? Well if you're the SNAP Administrator you would know. Linda Tsark said $15 million in federal public assistance to Hawaii that we could lose. Mr. Speaker, again, that's not me saying it."

Representative Brower rose to yield his time, and the Chair "so ordered."

Representative Mizuno continued, stating:

"Yes, again $15 million that we may not get if we are not in compliance with federal law.

"Further Mr. Speaker, we talk about working with DHS workers, meaningful consultation. What I find quite offensive is that an email was sent and dated March 15, 2010 with the time 3:08 pm. First of all this email went out to only certain DHS employees and this is what it stated. 'Hi everybody. Director Koller is requesting recommendations and comments for EPOD operations. Please email me suggestions from yourself and staff by noon tomorrow, Tuesday 3/16/10.'

"This is not meaningful consultation with staff and employees. Less than 24 hours is actually kind of offensive, Mr. Speaker.

"Furthermore Mr. Speaker, the reason I know that the Director doesn't really fully understand EPOD is because right after our briefing on February 23rd with the Senate, the Senate Majority Leader had asked the Director a question about EPOD. He had said something to the effect of, what is your plan? There must be a plan. What is your plan for EPOD? And the Director was unable to explain or answer that question. The concern I have is that she didn't know how to answer that because she didn't really have a plan.

"The reason why I make such a statement is because a courageous employee was able to get this to us. This is a solicitation for service. They're asking for assistance, the Director is, on EPOD. This is dated February 25th. Two days, February 25th, 2010, two days after that briefing. It simply says that expert testimony at the Director's request to the Legislature on EPOD, expert testimony. She's trying to get some help here. Assistance in communicating with the media and public. I can go on. The point I'm making is that if you knew what you were doing you wouldn't have to do a solicitation for assistance two days after an informational briefing.

"Mr. Speaker, I'm going to end here, but it's not by dictatorship but rather through respect and relationships that we find solutions to our concerns. Today I believe we found solutions and consensus. Today the House of Representatives can override the Governor's veto of Senate Bill 2650, Conference Draft 1, and we can stop the DHS Director's plan to close every single public assistance office in our State. For all the foregoing reasons I support a veto override of Senate Bill 2650 to ensure that 228 hard working DHS employees continue to provide essential services to over 300,000 of our most needy residents in our State. Thank you, Mr. Speaker."

Representative Manahan rose to speak in support of the override, stating:

"Mr. Speaker, standing in support of the override and I'd like the words of the Chair of Human Services to be entered into the Journal as my own. I would also like to add that I find it ironic that a certain member of the Minority Caucus, I guess the Representative from Hawaii Kai, doesn't consider this bill to be job killer number 18. Thank you."

Representative Carroll rose to speak in support of the override, stating:

"Thank you Mr. Speaker, in support of the override. Mr. Speaker, I would like the words from the Chair of the Human Services Committee to be inserted in the Journal as my own. I'd also like to add that with all due respect, and I do respect the Minority Leader, I disagree with several things that she mentioned today. I want to talk about it, and I've said it before in this Chamber, it's about transparency.

"If you look at this bill, what the bill does is it takes a pause and yes, the Neighbor Islands they do need an office there. They do need people there. This bill will allow for instance on Maui, the Maui section in Wailuku. Also Central Maui Unit will be preserved. East Maui Unit 1 and 2. I represent East Maui. If you know about East Maui, it's very difficult to connect to the Internet back there, or to provide for those kinds of EPOD services that they're talking about. And then there's West Maui Unit 1 and 2.

"On the island of Molokai there's one office there. I have a petition here of 200 signatures that was just taken yesterday and there's more that are coming, because the people there have agreed that they need their face-to-face office.

"On Lanai, the Speaker, myself and the Representative from Lahaina went there, and we went there to meet with the employees there. What happened because the island is so small, the people of that island showed up and shared with us. These were people who could not utilize a fax machine because why? There was no public fax machine because at that time, the one that they have was not working.

"The other thing that we learned on Lanai was that there are people who have challenges. It's very hard for them to understand when doing the application that they'll be able to fax or email. Even when they're talking on the phone or trying to get somebody on the phone, they have to wait for hours.

"My point here is that this bill will allow for a pilot project to look at this system. We don't want to just shove this system down our throats, especially with the State because one of the things that are not being talked about is the cost of that system.

"Yes, there are things that are wrong with this Department. Yes, there are things that we need to improve. But this Administration has been in office for eight years. Why is it in the last year that they're proposing such a system when they could have started a process with consultation, with looking at and working with those employees, working with the unions to look at what system best fits Hawaii. Because we are an island system.

"Furthermore, the transparency part. This bill allows for Chapter 91 so there are public hearings. There is consultation. And thanks to the Chairs of Human Services Committee, they provided that with the people. So I agree with my Chair, because it is a collaboration, it is a consensus, it is the word of the people. Yes, we are in a budget crisis, but nobody's talking about the cost of a new system. Nobody's talking about when you email or when you actually send that application here on Oahu, who's going to handle those hundreds and hundreds of applications? It goes into an email box and then what? We need to evaluate the situation, and the pilot project allows for that. But why do we only have to look at EPOD? There could be other programs out there, other systems that we can look at. But there was no transparency in the consultation.

"So I beg to differ with my colleague, the Minority Leader, and some of her comments, but I share the same concern. I'm just asking my colleagues to support this measure and override the veto because we need to start somewhere. By allowing the Administration to dictate this kind of system overhaul at the last hour, of the last year, to me is not acceptable. They should have done this sooner and there would be more consultation and we as a Body would be able to evaluate the cost. Yes, they have outdated programs. They have outdated computers, even fax machines.

"If you talk to the employees, like my Chair, I've spent hours talking to employees because why? Nobody has really paid attention to what their needs are. They just made these executive decisions and have not had that transparency nor have they even talked to us.

"My point here Mr. Speaker, is that this bill will allow for a process so that whoever comes in to the Administration that pilot project will address the concerns, but look more closely and evaluate the cost to put in a new system. And yes, nothing is perfect, but the whole point is that we need this transparency process and we need to listen to the people of Hawaii, and what they want because yes, it is their tax dollars. What I haven't heard in the debate is the cost for a new system.

"And hopefully in the end we can come up with a system that improves the way we process applications, the way we serve the most needed communities, but more importantly that the relationships that we have with the people continues so that their quality of life is improved and that we're doing our jobs as public servants. I thank you very much."

Representative Ward rose and stated:

"Mr. Speaker, I rise in rebuttal to the Representative from Kalihi, who's generally very accurate and honorable, but this time he's got his facts incorrect. There is no job killer number 17. There are only 15, and if he had a chance to look at the interactive online budget, we did not, did not fund EPOD. In fact he will see there are $8 million that the Minority balanced budget, which is online, interactive, for everybody to see, funds the Department and does not put any money out of the budget for the sake of EPOD. So just to straighten the record, even though I appreciate his attempt to bring attention to the online budget which I encourage everybody to look at. It's the first transparent budget for the people of Hawaii to see where we spend our money and there's been no money taken to do the EPOD. Thank you."

Representative Bertram rose to speak in support of the override, stating:

"I rise in support of the override. Yes, everything that our Chair said is true. I've even heard from Maui's office that they're already starting to implement this program. They've already put the slips out to people letting them know they're going to have to switch their office. I mean it's already starting, so we couldn't do this at a better time. We need to do this right away because they are so committed to making this happen, they're moving ahead with the plan already.

"She wanted me to say this today because she felt she needed to get that kind of support or help because she does not want it to happen. She does have this relationship with these folks, and she knows she does a good job, so she wants to keep it and I think it's a good idea. I think we need to just move ahead on this override right away."

Representative Sagum rose to speak in support of the override, stating:

"In support, Mr. Speaker. And I would like the words from the Representative from Kalihi entered into the Journal as my own. I'd like to also mention that the override would really assist Kauai. There are five facilities on Kauai that would be impacted had the bill gone through. And I'd like to list two of them in my district. One is the West Kauai Unit in Eleele, and another one which is in Representative Morita's district is the East Kauai Unit in Kapaa. Thank you."

Representative McKelvey rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I first want to tell you my background. I'm an 'IT geek,' Mr. Speaker. I ran several networks from my house including Novell 4.1 in a Windows 2000 Server. And what troubles me about this proposal or about the issue here is that from an IT perspective, it doesn't make sense. When you roll out code Mr. Speaker, when you roll out product, you do a small scale testing called a beta to work out the bugs. You don't just throw it out there and let the end user suffer. And that's what this bill does.

"It says, 'Beta test in Oahu. Work out the kinks in Oahu, so if there is a failure, a breakdown in the system, you can get to offices and have that face-to-face interaction.' The Neighbor Islands, especially in Lanai, don't have that option Mr. Speaker. I'm glad my friend from Hawaii Kai mentioned that this will cost $8 or $9 million, but I have many questions. What software are you using? Is it Google Apps? Is it Windows? What's the proprietary cost? Where are the IT positions? Where are they?

"The Minority Leader is correct in saying the federal government wants us to move in that direction and pursue this. But they don't say just jam it out without any kind of testing or consultation.

"It's great to talk about Utah and other states. That's the end product Mr. Speaker, that's not the process. We have such a terrible IT situation in this State that it's the subject of an Auditor's report. We even passed a bill to create a Chief Information Officer at the cabinet level.

"Mr. Speaker, to say that we want to roll this out with proper consultation, where are the line items for IT positions. On the website, how are you going to get to Tagalog or any other language? Do you have to navigate through English to get to a PDF link that is in Tagalog or will there actually be a Tagalog interface, Mr. Speaker. Question unresolved, Mr. Speaker.

"Mr. Speaker, I approach this from an IT background because it bothers me. You just don't throw something out there and let the customer, the consumer, suffer the unintended consequences. Let's do it on Oahu, let's do it right, and then we can roll out the product, Mr. Speaker. I agree exactly with the Minority Leader. I agree with the federal government. We need to pursue electronic delivery systems. But we need to do it in a rational, logical way because Mr. Speaker, at this point the approach of the Administration borders on science fiction. But by making sure the IT positions are there, by making sure the hardware is there Mr. Speaker, by making sure that the system works, then we can have fact. And then if that's the case Mr. Speaker, beam me up. Beam me up Mr. Speaker, okay.

"On the telephone issue if I may just finish. Yes, there are plenty of telephones in Waianae. But who is on the other end, Mr. Speaker. Hello? Thank you, very much."

Representative Herkes rose to speak in support of the override, stating:

"Mr. Speaker, in strong support. When the original plan was unveiled, I was stunned. Take a place like Na'alehu or Pahala where you've got elderly plantation immigrants that have language difficulties, physical difficulties. They're 80 miles from Hilo. They're not going to get to Hilo. And if the plan as proposed by the Director goes through, you're going to find domestic violence. You're going to find theft. You're going to find suicides. All of this on top of the problems that we're already having with vog, and for the life of me I cannot understand how we could possibly compare Utah and New Mexico with Pahala and Na'alehu.

"I will agree with one thing. There won't be any backup of applications because of many areas that I represent, there will be no applications submitted. Thank you."

Representative Tokioka rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. I'm standing in very strong support. I want to add the words from the Chair of Human Services and the Representative from Hana in the Journal as if they were my own and then I'll just touch on a couple of other things that they haven't already mentioned.

"To follow up on the Representative from West Kauai's comments, the three other sections on Kauai are in Lihue, in South Kauai, and in Central Kauai in Kapaa. Five units Mr. Speaker, on Kauai. I think the most profound statement that I heard about this issue came from the Chair of the Finance Committee when he said, 'It looks like we're going to go through this Department with a hatchet, and we need to be looking at this situation with a scalpel.' It really hit home to me Mr. Speaker, how bad the situation is.

"I also want to applaud my colleagues from the County of 500,000 or more, because a lot of times people from the Neighbor Islands talk about this Legislature and Honolulu being Oahu-centric. But our colleagues looked at the Neighbor Islands and said, 'We have people in these rural areas that need the support.' So I want to thank our colleagues from the Oahu District for not being Oahu-centric on this issue.

"I also think about the many people and many issues Mr. Speaker, that people email us and call us about, whether it's Act 221 tax credits, whether it's House Bill 444, and I think why aren't there more people faxing us, calling us, and emailing about this issue. Because this issue is going to affect hundreds and hundreds of people, Mr. Speaker. But guess what? They don't have faxes. They don't have emails. They don't have cell phones. And it's clear to me that that's why they're not contacting us about this issue. But when I go back on Kauai it's loud and clear Mr. Speaker, when I see them on the island.

"And so in closing Mr. Speaker, I'd like to say that this Session there were not very many things that we could feel good about. But if we can override this veto Mr. Speaker, and for the many people that this bill will service, I think we can feel good about that. Thank you, very much."

Representative Morita rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In strong support. Thank you. The Kauai position was strongly stated by my two Kauai Legislative brothers so I'd like to adopt their words as my own. Thank you."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. This point has already been made, but I want to make it a little stronger. I have about 30 years of background in business dealing with multiple offices in multiple states. There isn't any business entity that I've ever worked for that would ever in their right mind take a project and go statewide without going through a pilot project. You would just get laughed out of the boardroom. So I think this bill, let's override this veto because this bill does the right thing. We need a pilot project.

"And I can't imagine, I'm from the Big Island, we have 16 offices, in one fell swoop we're going to close these offices, consolidate in one location, move over 200 people to Hilo. And we're going to have people from East Hawaii in the Hilo area unit. We've got people in North Hilo Units 1, 2 and 3. We've got Central Hilo Unit 2. We've got South Hilo Unit 1, 2 and 3. I've got the Ka'u Unit. The South Kona Unit. The West Hawaii and Kailua-Kona, North Kona Unit 1, North Kona Unit 2, Kamuela, Hamakua, Unit in Honokaa. I mean, are they kidding me? They're going to close these all at one time without a pilot? Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the override, stating:

"Mr. Speaker, in strong support. Just for background, I was a director for an anti-poverty agency for almost 20 years. I'm well aware of the problems of the poor, and how important it is that we get to the poor and not away from the poor. We developed community councils all in the respective districts so we could have the one-to-one relationship. Now what we have that is being proposed is to do away with those things. And the only consideration for the original bill that came from the Administration was to save money. Not to save people, but to save money. And this Legislature here has spoken. It's people before money.

"Mr. Speaker, I just hope that we continue with this spirit. Furthermore, I would want to incorporate the speech from the Chair of Human Services who's done a wonderful job on this bill with the Chair of Economic Development from Lahaina. Thank you, very much. It was a very nice speech. And for the Chair of Hawaiian Affairs from Maui. All of them had beautiful speeches. In fact, you all have. Thank you, very much."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal. And Mr. Speaker, I just don't have the time this time around to explain all the things that I would like to rebut on every single point that was made. Instead I understand that many people don't understand how this will work, so what I'd like to do is just tell you a little story.

"The other day I came home and my husband told me this story of my dad. There was one of those fog mirrors in the bathroom with a radio on it, and we put it back in the box because the fog part didn't work. We put it back in the box, we went outside, and we put it in the garage. My husband comes home from work, he sees my dad with the part that's supposed to go over the shower, over his neck, turned on the radio, and was working in the carport cleaning up, and working in the yard cleaning up.

"So what's the story about? It's about utilizing the tools that you have, seeing things differently than what it is used for currently. It's about being able to accomplish something that you don't think you can accomplish. But when you see that there are elements of accomplishment when you have a 20-day application process of approval brought down to 6.2 days. When you have situations like a work stoppage.

"One of the comments that a previous speaker made, 'save people before money.' So this means save jobs before people? Because that's what the work stoppage was all about. There was no continuing of taking applications. It was, we need to make a point. A point that 800 more applications in the MedQUEST Division are not going to be done because of this plan. Because we want to stop this plan. That's what I heard in those numbers.

"Mr. Speaker, we may not see how this is going to be done, but if it's happening in other areas, and the biggest part of this plan aside redirecting workflow are the phones. The phones have been around a very long time. People have been talking on phones and communicating on phones for a very long time. Online applications isn't email. It's like when you do an application online, but that's only part of it."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, your three minutes is coming up shortly. Please summarize."

Representative Finnegan: "Thank you Mr. Speaker. I do have a lot of comments in rebuttal, but I did want to say. Let's think differently. Let's believe in a system that can be better than we have today. Thank you."

At this time, the Chair stated:

"Members, the Chair will call for the question. We've had a lot of lively discussion for one hour."

At 2:28 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:28 o'clock p.m.

At this time, the Chair stated:

"The Chair will allow the Members to insert comments into the Journal."

Representative M. Oshiro rose to speak in support of the override, stating:

"Mr. Speaker. In strong support with written remarks. Thank you."

Representative M. Oshiro's written remarks are as follows:

"I rise in support of overriding the Governor's veto of Senate Bill 2650 CD1.

"Mr. Speaker, please let the Journal reflect the following facts:

1. The Governor sought to cut 45 vacant positions counts and another 76 laid-off positions from HMS 236, Case Management for Self-Sufficiency;

2. The Governor sought to cut 53 positions and another 60 laid-off positions from HMS 902, General Support for Health Care Payments;

3. The Legislature provided $2,450,502 in funds for 76 positions in HMS 236;

4. The Legislature provided $2,250,607 in funds for 60 positions in HMS 902; and

5. The Legislature restored all the vacant position counts in these areas.

"If EPOD were implemented, these two program ID's are the areas in the budget where the line staff would be most affected.

"The point here is that the resources exist to NOT implement EPOD. The Legislature has provided them. While efficiency in government should be strived for, there is the time and money to take a measured approach to ensure success for all stakeholders."

Representative Nakashima rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In strong support with written comments please."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill which authorizes the Governor to develop and implement an eligibility-processing operations division pilot project for counties with a population of 500,000 or more. What it also does is it prohibits the Governor from moving forward on a plan which may look good to them on paper, but will in actuality result in the denial of services to those who are most needy.

"As the policy-making body of State government, we must look for innovative ways to cut costs and enhance the delivery of services to the public. However, we must also be cautious that in such zeal for progress, we do not end up 'throwing out the baby with the bath water,' Mr. Speaker.

"In the past, the DHS Director moved quickly to limit early childhood reimbursements to families and coupled these cuts with promises of assistance in rent subsidies and other programs that would help to ease the loss of the childcare money. These were empty promises and the Director seems to wonder why we grow weary of her promises.

"This bill will allow for a demonstration project to work out the glitches and to see if the program being proposed is viable. It is also a measured and deliberate approach as we are also facing an impending change in administration and it would be unfair to burden the next Administration with a half-implemented plan full of glitches."

Representative Awana rose to speak in support of the override, stating:

"Thank you, Mr. Speaker. In strong support and if I may adopt the words from the Representative from Kalihi Valley I would appreciate it."

Representative Ching rose in opposition to the override and asked that the remarks of Representative Finnegan be entered into the Journal as her own and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this override, and stand in support of Governor's veto of S.B. 2650 – Relating to the Department of Human Services. I enter the following objections as stated by Governor Lingle:

The purpose of this bill is to allow the Governor, through the Department of Human Services (DHS), to establish an eligibility processing operations division (EPOD) pilot project on Oahu. This bill also prohibits the DHS from implementing any transfer of eligibility functions via a reorganization proposed before and during the effective date of the measure, other than the pilot project.

This bill is objectionable because it denies equal access for Hawaii residents living on the neighbor islands to utilize and receive public benefits, such as welfare assistance, Medicaid, and the Supplemental Nutrition Assistance Program services. The reorganization, proposed and approved before the legislature passed this measure, is designed to increase the convenience with which clients across the State can apply for services and renew their eligibility to retain services through the establishment of a call center and online applications. Residents could also receive in-person assistance at remaining DHS offices, community-based social service agencies, hospitals, and health clinics statewide.
This measure would provide easier access to the application and the renewal process for residents on Oahu only, which is not fair to those living on the neighbor islands, and discriminates against them based solely on the location of their residence.

This bill is also objectionable because it would limit DHS's ability to reduce the backlog of applications and renewals for public assistance, which has increased statewide since 2008 because of the global economic recession. If EPOD cannot be fully implemented statewide, only those applications originating on Oahu will benefit from faster, more responsive, processing. Neighbor island applications are currently delayed for as long as four months, and the processing periods are not within the required federal timelines. The backlog will continue to grow. This does not serve our most needy residents well.

Furthermore, the original state-wide proposal would have improved the quality of service to public assistance recipients statewide while saving the taxpayers of the State an estimated $8 million annually. There is nothing wrong with improving service and also saving money. The original program should proceed.

"Thank you."

Representative Shimabukuro rose in support of the override and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"Email from Mr. Adam Lee:

"**Subject:** DHS Director Lillian Kohler's reorganization plan; floodgate for welfare fraud

Dear Senators Chun Oakland, Ihara, Green, Hemmings and Representatives Mizuno, Brower, Au Bellati, Bertram, Carroll, Nishimoto, Shimabukuro, Yamane and Ward:

I am the senior Special Investigator with the welfare fraud investigations office of the State of Hawaii's Department of Human Services (hereafter 'DHS'), and I must inform you of a major problem of Director Lillian

Kohler's proposed reorganization plan that would lead to a flood of welfare fraud.

Ms. Kohler's reorganization would, among other things, remove a pivotal part of the traditional application process where the client/applicant undergoes an extensive interview and meets face to face with the DHS Eligibility Worker. This 'face to face' moment is where the DHS Eligibility Worker verifies the information on the application and warns the client/applicant of criminal prosecution if the client/applicant lies to DHS concerning the information provided on the application and subsequent DHS forms.

My office successfully investigates and prosecutes many cases of welfare fraud, and every one of them heavily relies on the 'face to face' interview between the client/applicant and the DHS Eligibility Worker. In brief, a key element to proving fraud is the defendant's state of mind to intend to do something wrongfully. During the 'face to face' meeting between a client and his/her DHS Eligibility Worker, the client is informed that it is wrong to lie to DHS, and thus any subsequent lies by the client inherently displays his wrongful intention. Thus, if it were not for the 'face to face' meeting between the client and DHS Eligibility Worker, my office would not be able to prove a client's intent to steal welfare benefits should such malfeasance occur.

Director Kohler's proposed reorganization seeks to remove the 'face to face' meeting between client/applicant and DHS Eligibility Worker, and consequently also removes a pivotal element in prosecuting welfare fraud. Director Kohler's plan would essentially open a floodgate allowing a deluge of welfare fraud to occur, and my office and the Attorney General's office would be helpless to prosecute such crimes.

Hardworking taxpayers demand their taxes be used rationally and our programs assisting the poor be effective. Unfortunately, Director Kohler's proposed reorganization plan that deletes the above 'face to face' meetings fails this demand because it increases the amount of public assistance funds going to those who are ineligible and decreases the pool of funds available for those who are truly needy.

I humbly suggest that if Director Kohler's reorganization plan were to occur, then please **at a minimum** require 'face to face' interviews, described above and currently used now, in order to assist our enforcement efforts against welfare fraud.

I thank you for your time and respectfully request your attention to this issue and to take action to prevent Director Kohler's short sighted reorganization.

Sincerely,

Adam Lee
Special Investigator
Investigations Office
Department of Human Services, State of Hawaii"

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2650, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES," as contained in Gov. Msg. No. 286 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 47: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Tokioka, Tsuji, Wakai, Ward, Wooley, Yamane and Yamashita.

Noes, 4: Ching, Finnegan, Pine and Thielen.

At 2:31 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 2650, SD 2, HD 2, CD 1, as contained in Gov. Msg. No. 286, was approved.

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 275, informing the House that on April 25, 2010, S.B. No. 2840, SD 2, HD 1, was vetoed.

Gov. Msg. No. 275 and S.B. No. 2840, SD 2, HD 1:

Representative B. Oshiro moved to override the veto of S.B. No. 2840, SD 2, HD 1, as contained in Gov. Msg. No. 275, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the override, stating:

"Mr. Speaker. Just very briefly in opposition. We have some testimony from three contractors and they claim that the bill is problematic and could have unintended consequences, an effect of higher costs and project delays that will cause further detriment to the State's economic condition and local workforce. They also say that this bill would be difficult, if not impossible for contractor's to certify on a monthly basis when the total number will not be known until the end of the contract, that's the total number of workers. So because that is a real problem I urge everyone to vote no. Thank you."

Representative Ching rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you. My great-grandfather came here really long ago. He worked as a commercial agent to keep peace within the Chinese community and the Kingdom at the time. And I think it's important, and I think it's been pretty, probably for those who have served in this Legislature, an obvious thing, that I believe that if we keep local culture, which by extrapolation means support local people, support our locals, it's been pretty clear what my dedication has been. Really clear. That's why I formed the Heritage Caucus, to protect our local people, to protect our local businesses, to keep what is local here.

"But I'm going to read from the *Honolulu Advertiser* and I'm proud to say that my district has the first L&L, my district had Masu's Massive Plate Lunch until he went under. He's no longer there. Maybe that's a good metaphor because it's kind of like two parents. They really want the best for their child. Sometimes they fight over what's best for their child, they love what's best for their child, they want to see the child do well. And I think that might be a good metaphor for what we have here. It's all again back to how do we help that child bloom or that student bloom.

"I want to read from the *Honolulu Advertiser:* 'The mission when government seeks to get construction work done is to find a qualified company for their job at the best possible price,' this is from the *Honolulu Advertiser*, April 29. 'All kinds of complications can creep into the process and the state does not have the best reputation for getting contracts issued promptly. But now imagine the bidders will have to meet one more requirement, ensuring that at least 80% of the workers are Hawaii residents. That's what Senate Bill 2840 would require and Governor Linda Lingle is right to veto it. It's an illogical, impractical, anti-business measure designed only to give Legislators an easy to remember jingle during election season. Local jobs for local people. Except for a commercial aired last summer by the Painter's Union griping about mainland workers hired to repair the Aloha Stadium, no hard evidence has been presented to show that this is actually a problem. Actually, most construction jobs are already filled by Hawaii residents. The cost and hassle of moving workers here from the mainland is generally seen as something to avoid. The problem faced by the construction industry is not the lack of workers, but the lack of work."

At this time the Chair addressed Representative Ching, stating:

"Representative Ching. I'm pretty sure everybody has read that editorial. Would you like to insert it in the Journal as your comments? Or just summarize it? I'm pretty sure everybody has read that."

Representative Ching continued, stating:

"I would like to reference the *Honolulu Advertiser*'s editorial, as well as the *Star-Bulletin*'s editorial, Locals Jobs Will Backfire, both with the same position. Again, it's how do we help our local people. So if we increase costs, and also the comment is made about some of the objection of how do you define 'local.' I'm going to go, come move here. Have my driver's license. Now I'm local. Well, you know, what not. I'm going to have a place here. Well there're a lot of problems with this bill.

"We have to remember that if we continue to have a bad economy, we're going to continue to not be able to have our worker's come off the bench and work and restore and revitalize our economy. So voting on this, thinking well, you know, yeah, that's right. Let's see how it comes out. But I think these are compelling arguments and it's very rare when both dailies, one of the last times maybe I'll be able to say that, which is an example in itself, right? The economy is down because business supports the newspapers, but now it's paid for by their ads. But now no newspaper right? So now we're down to a one newspaper town. So just to say, and this is probably last time I'll be able to say it for a while. Both dailies came out in support of the Governor's veto. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to the override, and in support of Governor Lingle's veto of S.B. 2840, SD 2, HD 1, a.k.a. the "local jobs for local people" bill which would require at least eighty percent of workers on construction procurements to be Hawaii residents.

"With the goal to direct jobs to the State's unemployed, the bill may seem to have good intentions; however, a bill such as this could backfire, triggering expensive and time-consuming challenges to contract bids and awards. While the bill has been touted as a job creation measure, the end result would likely discourage job creation by increasing project costs to taxpayers, as well as increasing the likelihood of project delays due to additional grounds for protests by contractors who are not selected. It is ironic that the General Contractors Association of Hawaii opposes this bill, warning that it would increase State and county project costs.

"In her veto message, Governor Lingle draws our attention to the fact that compliance requirements under this bill are tenuous and ill-defined for contractors, as well as State and county agencies that must monitor and enforce compliance. Additionally, the Governor points out that the bill is vague on whether the eighty percent requirement must be maintained every day the project is underway or over the duration of the contract. Further, the language does not specify if the eighty percent quota applies only to jobsite staff or all contractor staff, including administrative and managerial personnel.

"In an editorial piece titled "'Local jobs' bill might backfire" published by the *Star-Bulletin* on April 24, 2010, the article raises an excellent point in reporting, "It [S.B. 2840] … could be challenged on the basis of the 14th Amendment requirement that a state may not abridge a person's rights as a U.S. citizen." The article also reminds us of the demise of similar measure passed into law in 1978 and then overturned in 2006 by District Judge David Ezra who in his ruling cited many flaws with such legislation.

"In all honesty, the problem faced by the construction industry is not the lack of workers but the lack of work. Until the lending markets loosen up, projects—and jobs—will be hard to come by. This bill will do nothing to resolve that basic problem. Thank you."

Representative Cabanilla rose to speak in support of the override with reservations, stating:

"Mr. Speaker, in support with reservations. And it's not that I don't support local jobs for local people. I do that. But I do know that in the construction industry there're a lot of specialties. Just like in nursing Mr. Speaker, there're a lot of specialties. And at times our construction industry does not have the adequate members or certain types of specialties to be able to do their jobs, and that would necessitate them to bring in people or specialized workers from other states.

"And in that respect, I do agree with them that on certain occasions, in certain specialties, they need that provision. And by passing this kind of law that's going to tie up their hands in being able to complete their job in a timely manner.

"And also right now we have a lot of people unemployed. What is going to happen Mr. Speaker, when the job market, when we are now in a better economic situation, and we are in a flourishing situation when there're a lot of jobs and we don't have the people to meet them. Thank you, Mr. Speaker."

Representative B. Oshiro rose to speak in support of the override, stating:

"Mr. Speaker, I rise in support. Very briefly, I'd just like to ask permission to submit a letter by Professor John Van Dyke dated March 24, 2010 where he answers some of the legal and constitutional and international trade questions that have been raised through this bill.

"In addition, I'd just like to make one comment. It's really related to our Procurement Code. Back in 2005, what we passed was the Small Business Preferences and Set Asides. The purpose of that that's codified in 103D-906 was that was where we wanted to give the Administration the opportunity to really give small businesses, local businesses, government contracts. That was the purpose of the bill. And unfortunately to date, 5 years later, not a single contract has been issued under this Small Business Set Asides. That is why we are faced with this bill before us. We passed legislation, we create a policy in the Procurement Code and unfortunately that gets ignored.

"So at this point when we have 90% of our union brothers and sisters that are currently not working on various islands across the State, when residents are suffering because of a lack of jobs, because often times those projects are being given away to mainland corporations, I think it is entirely appropriate for us to step forward and say at this time, we don't find that to be acceptable as a government, as a policy. In our Procurement Code what we're going to do is set a priority and give those jobs and those residents what they need to do to survive. For those reasons, I stand in support. Thank you."

Representative B. Oshiro submitted the following letter:

Hawaii State Legislature
Joint Hearing
House Committee on Labor and Public Employment
House Committee on Economic Revitalization, Business, & Military Affairs
Tuesday, March 9, 2010
10:30 a.m.
Conference Room 309

Re S.B. No. 2840 S.D. 2 Relating to Public Procurement

Testimony of Jon M. Van Dyke
On Behalf of
District Council 50

Introduction Regarding the Changes to the Original Bill.

S.B. No. 2840 (which was identical to H.B. No. 2736) has been strengthened by several technical changes, changes to its purpose section, and a change to facilitate enforcement. These changes will assist in enabling the State to defend the constitutionality of the statute, should it be challenged after enactment.

S.B. No. 2840 S.D. 2 contains a long purpose section explaining the economic conditions that underlie the enactment of this statute. This material will be useful in helping a reviewing court understand the need for this legislation. It also contains a specific reference to the test utilized by the U.S. Supreme Court in *United Building & Construction Trades Council of Camden County & Vicinity v. Mayor and Council of the City of Camden,* 465 U.S. 208 (1984), with regard to the Privileges and Immunities Clause, and explains why "the purpose of this Act is substantially related to the important governmental goal of reducing unemployment." Again, this addition will be useful in defending the statute should it be challenged.

S.B. No. 2840 S.D. 2 also contains a new section requiring contractors to "provide the procurement officer with documentation sufficient to demonstrate compliance with this chapter." This addition will facilitate enforcement, and raises no constitutional issues.

S.B. No. 2840 S.D. 2 does not contain the definition of "shortage trade," which is contained in H.B. No. 2736 H.D. 1. It would probably be best to add this definition to the statute as ultimately passed, to avoid any ambiguity on this matter.

S.B. No. 2840 S.D. 2 says that the Act "shall take effect on July 1, 2050." This date needs to be changed to July 1, 2010, so that this statute can address the immediate economic challenges facing our community.

1

The Constitutional Regime Governing This Bill.

Laws giving preference to local residents for work funded by state taxpayers have been found to be constitutional under the Market Participant Exception to the Dormant Commerce Clause, *White v. Massachusetts Council of Construction Employers, Inc.* 460 U.S. 204 (1983), and they can also be constitutional under the Privileges and Immunities Clause if they are substantially related to the important governmental goal of reducing unemployment. *United Building & Construction Trades Council of Camden County & Vicinity v. Mayor and Council of the City of Camden,* 465 U.S. 208 (1984). The determination whether a specific local preference law is constitutional is, therefore, fact-specific and depends on whether the law is properly related to a specific unemployment problem needing attention. Because of the serious unemployment in Hawai'i's construction industry, and because of Hawai'i's unique geography, the approach taken in S.B. No. 2840 and H.B. No. 2736 logically addresses Hawai'i's unemployment challenges and should be found to be constitutional under existing caselaw if a proper legislative record confirms the relationship between this law and the current rates of unemployment in the construction industry.

Hawai'i's Unemployment Challenges in the Construction Industry.

The unemployment rate in Hawai'i as of December 2009 was 6.9%. As Governor Lingle acknowledged in her State of the State Address, the construction industry has been hit especially hard during the current economic downturn. Between December 2008 and December 2009, 4,900 construction jobs were lost.[1] This problem appears to be exacerbated by the practice of some contractors who receive state public works contracts to hire nonresident construction workers.

S.B. No. 2840/H.B. No. 2736 Relating to Public Procurement.

This Bill is designed to address the problem of unemployment in Hawaii's construction industry. It requires any contractor awarded a public works contract to "ensure that Hawaii residents comprise not less than eighty per cent of the workforce employed to perform the contract." This requirement also applies to subcontracts of $50,000 or more, but it does not apply to "procurements for professional services under section 103D-304 and procurements for small purchases under chapter 103D-305." In addition, "hours worked by employees within shortage trades, as determined by the department of labor and industrial relations, shall not be included in the calculations for purposes of this section."

The Privileges and Immunities Clause.

United Building & Construction Trades Council of Camden County & Vicinity v. Mayor and Council of the City of Camden, 465 U.S. 208 (1984), involved a municipal ordinance enacted by the City Camden, New Jersey, requiring that at least 40% of the employees of

[1] Hawai'i Dept. of Labor and Industrial Relations, Hawai'i's Seasonally Adjusted Unemployment Rate at 6.9 Percent in December, Jan. 22, 2010.

contractors and subcontractors working on City construction projects be City residents. The Supreme Court ruled that the Privileges and Immunities Clause in Article IV of the U.S. Constitution protected the right of all U.S. citizens to seek employment from private employers, even those receiving governmental contracts, and that discrimination against citizens of other states can be justified only "where there is a 'substantial reason' for the difference in treatment" and if it can be shown that the nonresidents "constitute a peculiar source of the evil at which the statute is aimed." 465 U.S. at 222. In explaining this test, the Court noted that it would be proper in the usual case to defer to the judgment of local legislative bodies, especially when they are utilizing taxpayer funds to stimulate their local economy and to create jobs:

> * "*The fact that Camden is expending its own funds or funds that it administers* in accordance with the terms of a grant is certainly a factor – *perhaps the crucial factor* – to be considered in evaluating whether the statute's discrimination violates the Privileges and Immunities Clause." *Id.* at 221 (emphasis added).
>
> * "Every inquiry under the Privileges and Immunities Clause 'must…be conducted with due regard for the principle that the states should have considerable leeway in analyzing local evils and in prescribing appropriate cures.' *Toomer v. Witsell,* 334 U.S. 385 (1948). *This caution is particularly appropriate when a government body is merely setting conditions on the expenditure of funds it controls*." *Id.* at 222-23 (emphasis added).

The U.S. Supreme Court remanded the *Camden* case back to the New Jersey Supreme Court to apply this test, because no factual record had been prepared when the case came to the U.S. Supreme Court. No further recorded proceedings took place in this particular case, however, so we do not know how the test was in fact applied. And in the following 26 years, no other cases have come before the U.S. Supreme Court to reevaluate the appropriate test or to apply it to any other fact situations.

Some lower courts have struck down statutes mandating employment preferences,[2] and

[2] *See, e.g., People ex rel Bernardi v. Leary Construction Co, Inc.,* 10 Ill.2d 295, 464 N.E. 2d 1019 (1984) (striking down a law requiring an absolute preference for Illinois residents in public works projects because nothing in the record, including the complaint itself, showed that nonresident laborers were a cause of unemployment in Illinois); *W.C.M. Window Co. v. Bernardi,* 730 F.2d 486 (7th Cir. 1984) (ruling that this same Illinois law violated the Privileges and Immunities Clause, in light of the complete failure of the state to make any attempt to justify the law); *Robison v. Francis,* 713 P.2d 259 (Alaska 1986) (striking down a law requiring that 95% of the workers on public works contracts be Alaska residents, as violating the Privileges and Immunities Clause); *Opinion of the Justices to the Senate,* 393 Mass. 1201, 469 N.E.2d 821 (1984) (rendering a nonbinding advisory opinion, without the benefit of any record of legislative findings, that a proposed bill requiring that 80% of workers on public works contracts by Massachusetts residents would violate the Privileges and Immunities Clause); *State v. Enserch Alaska Construction, Inc.,* 787 P.2d 624 (Alaska 1990) (striking down a law requiring that 50% of the construction workers in economically distressed areas to be hired for public works projects in that area, as violating the Equal Protection Clause of the Alaska Constitution); *A.L. Blades v. Yerusalim,* 121 F.3d 865 (3rd Cir. 1997) (striking down a Pennsylvania law requiring that all laborers on public works contracts have lived in Pennsylvania for at least three months prior to their employment, as violative of the Privileges and Immunities Clause).

others have upheld them.[3] A number of states do now have such statutes, as listed below.

The clearest case upholding a resident-preference hiring law is *State v. Antonich,* 694 P.2d 60, 61-64 (Wyo. 1985), upholding a requirement that available and qualified Wyoming residents be hired in preference to nonresident laborers. The Wyoming Supreme Court explained that "[w]ithout question, reduction in unemployment among Wyoming citizens constitutes a valid state goal," *id.* at 62, and ruled "that Wyoming's Preference Act…precisely fits the particular evil identified by the State." *Id.* at 63. The court went on to say:

> "We hold that the Wyoming Preference Act does not violate the privileges-and-immunities clause of the federal constitution, notwithstanding the Act's infringement upon a recognized fundamental right. The Act narrowly addresses the goal of reduced unemployment among the state's taxpayers by preferring available, qualified residents for government-funded positions. Since the degree of discrimination bears a close relation to the state's valid reasons for discriminatory treatment, we affirm the Act's validity under the test established in *Toomer v. Witsell, supra,* and refined in subsequent cases."

Id. at 64. This decision has been cited with approval by the U.S. Court of Appeals for the Eighth Circuit, in *A-G-E Corporation v. United States,* 968 F.2d 650, 654 (8th Cir. 1992), where the court stated that "[a] direct attack on Wyoming's resident preference statutes [alleging that it violates the Privileges and Immunities Clause] would clearly face an uphill battle after *White v. Massachusetts Council of Constr. Employeers, Inc.,* 460 U.S. 204 (1983), and *United Bldg. & Constr. Trades Council v. Camden,* 465 U.S. 208 (1984)."

Other post-*Camden* decisions that have upheld local preference statutes include:

* *Gary Concrete Products, Inc. v. Riley,* 285 S.C. 498, 331 S.E.2d 335 (1985), upholding a law requiring procurements to be made from South Carolina residents, so long as the South Carolina bidder is not more than 2% higher than that of the nonresident bidder for procurements under $2,500,000 and not more than 1% higher for procurements over $2,500,000.

* *APAC-Mississippi, Inc. v. Deep South Construction Co., Inc.,* 288 Ark. 277, 704 S.W.2d 620 (1986), upholding the requirement that contracts be awarded to bidders who paid local taxes, unless they are more than 3% higher than the lowest nontaxpaying bidder.

* *Bristol Steel & Iron Works, Inc. v. State Dept. of Transportation & Development,* 507 So.2d 1233, 1236 (La. 1987), upholding a law requiring that public works contracts must be awarded to Louisiana resident contractors unless it is more than 5% higher than the lowest

[3] The decision in *Walsh v. City and County of Honolulu,* 423 F.Supp.2d 1094 (D.Hawaii 2006), which struck down a residency requirement for public employees, is not directly applicable to HB No. 2376, because that decision was based on the court's conclusion that the residency requirement had the impermissible purpose of deterring in-migration. HB No. 2376, by contrast, is designed to address Hawai'i's significant unemployment problem in the construction industry, and it utilizes a flexible approach, which will still permit one-fifth of all construction workers to be nonresidents.

responsible nonresident bid, explaining that the statute "serves a legitimate state interest, i.e., encouraging Louisiana's industries, and is rationally related to advancing that purpose."

* *Big Country Foods, Inc. v. Bd. of Educ. of Anchorage Sch. Dist.,* 952 F.2d 1173 (9th Cir. 1992), upholding a requirement that Alaska school districts receiving state funds purchase dairy products harvested in Alaska unless the price is more than 7% higher than products of like quality harvested outside the state.

Other States with Resident Preference Statutes

Other states statutes that mandate resident-hiring preferences include:

* Idaho Code, Title 44, Chapter 10 § 44-1002, requiring that 95% of the employees in public works contracts be Idaho residents.

* Montana Code Annotated, § 18-2-409, requiring that 50% of the employees on public works contracts be "bona fide Montana residents."

* Oklahoma Statutes, Title 61, § 9, stating that all public works contracts "shall require employment of Oklahoma labor and the use of Oklahoma materials if available….and can be procured at a cost no higher than the same quality of labor or material available from outside this state."

* West Virginia Code Annotated, § 5A-3-37, giving a preference to bidders utilizing at least 75% West Virginia residents who have lived in West Virginia continuously for at least two years, as long as their bid does not exceed the lowest qualified bid by 2 1/2%.

* Wyoming Rules & Regulations, Chapter 14, § 6, giving a preference to Wyoming contractors, if their bid is not more than 5% higher than that of the lowest responsible nonresident bidder, and requiring that resident laborers be used whenever possible.

Applying the Governing Test to S.B. No. 2840/H.B. No. 2736

The decisions since the 1984 *Camden* case confirm that each resident-preference statute must be examined in light of the specific situation in the affected community and the record made to support the statute. Hawai'i's geography complicates its employment situation, because many construction workers cannot easily move or relocate their families to distant sites where jobs might be available, and thus are limited to job opportunities in our islands. Because of this constraint, because the construction industry has been particularly hard hit in the current downturn, and because some contractors receiving public works contracts have brought in workers from elsewhere rather than hiring available local workers, a strong case can be made that S.B. No. 2840/H.B. No. 2736 is substantially related to the important government goal of reducing unemployment. The 80% figure in the Bill provides a contractor with sufficient flexibility to bring in workers from elsewhere who may have unique skills unavailable here, but at the same time ensures that taxpayer moneys spent for public works projects will help alleviate

unemployment in Hawai'i's construction industry. The cases cited in footnote 2 can be distinguished, because they either involved situations where no legislative record was made, or they involved an absolute (or near-absolute) preference rather than the 80% utilized in HB No. 2736, or they involved local state constitutional provisions inapplicable here.

If the proper legislative record is made, therefore, S.B. No. 2840/H.B. No 2736 should be found to be constitutional. As explained in the introductory section to this testimony, the changes made to Section 1 in S.B. No. 2840 S.D. 2 will assist a reviewing court in understanding the purpose for this legislation and should ensure that it will be found to be constitutional.

6

Representative Yamane rose to speak in support of the override, stating:

"Mr. Speaker, I'm standing in support. Mr. Speaker, the essence of this bill is to support local people. Mr. Speaker, this is a way that we can set policy to get local people jobs. It doesn't mean they have to hire local people, but that's the first preference, Mr. Speaker. These local people represent our brothers, our sisters, our sons, daughters, mothers, our neighbors. They need jobs, Mr. Speaker.

"With ever-increasing issues of homelessness, unemployment, Mr. Speaker, it's time to get our people working so that they can feel good about their families, feel like they're participating in a community, and Mr. Speaker, this is an issue that resonates throughout the State. We need our people working now. Thank you."

Representative Finnegan rose to speak in opposition to the override, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. You know I had voted for this bill before it went up to the Governor's Office and I had some concerns regarding the unconstitutional part of the bill, but I did pass it through. I didn't really look at or study all of the different testimony, and now that I take a look at the veto message, as well as really looked and studied the different testimony that had come in, I do support the Governor on her veto.

"This was a great way to pass this bill. How can you be against local jobs for local people? The bottom line is I think we all want local jobs for local people. I do agree with the Majority Leader when he says that this small business preference in the Procurement Code is something that we need to exercise and we need to find a way to make sure that that is exercised, because from my understanding it's not. If I'm not mistaken, that was a joint effort in 2005 between the Administration and with the cooperation of the Legislature and the Administration that that particular part of the law, of the Procurement Code, was passed together.

"Mr. Speaker, we just have to enforce that. Be able to get the change of culture, to get the small business preference exercised. What happens in this bill is it's not workable with the way that you have to keep track and all of this kind of stuff. It hurts more than it helps.

"Mr. Speaker, when I look back at, and ask questions about the Stadium, that's in my district, and ask the Stadium about the work that was done, it was because of the interpretation, as well as process of the procurement system why it ended up with the mainland company being awarded the project. The first time that procurement went out it was awarded to a mainland company, then it was challenged and it was also sent out again. I don't know the terminology. I apologize for that. But then it was sent out to bid again. Through that, a local company won, but because there's certain disclosures that you need to make and I believe it was one of the subcontractors you had to name. Because of the process, and that that particular local contractor did not name the subcontractor, that mainland company was able to come and challenge it again, and through that it went to the mainland company.

"Mr. Speaker, it's very unfortunate that that happened, but what we have here is we have a situation where we can do better with the laws that exist without passing this bill that will make it worse, in my opinion, for the construction industry. Thank you, Mr. Speaker."

Representative Rhoads rose to speak in support of the override, stating:

"Mr. Speaker, thank you. In support. Just to hopefully assuage the concerns of the Representative from the 42nd District. There is a provision in the bill that allows if you have a classification that's in shortage, that the 80% does not apply to that. So if there are jobs that the requisite number of people are not available locally, this law does not apply.

"Also with regard to, I think it was the Governor's concern about this being detrimental to the economy. It's hard to see how that's possible because it is government contracts, and the government is going to put out the same number of contracts whether or not this is in effect. So it's hard to understand why that would make any difference. So I think that's the only points I had. Thank you, very much."

At 2:46 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:46 o'clock p.m.

At this time the Chair called for a roll call vote and the motion to override the veto of S.B. No. 2840, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," as contained in Gov. Msg. No. 275 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 46: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Ito, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Saiki, Say, Shimabukuro, Souki, Takai, Takumi, Thielen, Tokioka, Tsuji, Wakai, Ward, Wooley, Yamane and Yamashita.

Noes, 5: Ching, Finnegan, Marumoto, Pine and Sagum.

At 2:48 o'clock p.m., the Chair noted that the motion to override the veto had carried, and S.B. No. 2840, SD 2, HD 1, as contained in Gov. Msg. No. 275, was approved.

At 2:48 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:52 o'clock p.m., with the Speaker presiding.

END OF CALENDAR

At this time, the Chair stated:

"Members, at this time we had deferred two measures to the end of calendar, which were House Bill 1642 and Senate Bill 1311 on page 2. At this time, we will be taking up House Bill 1642."

At this time, the Chair addressed the Clerk who announced Gov. Msg. No. 259, informing the House that on April 22, 2010, H.B. No. 1642, HD 1, SD 2, CD 1, was vetoed.

Gov. Msg. No. 259 and H.B. No. 1642, HD 1, SD 2, CD 1:

Representative B. Oshiro moved to override the veto of H.B. No. 1642, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 259, seconded by Representative Evans.

Representative Shimabukuro rose to speak in support of the override, stating:

"Written comments in strong support."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of an override to the Governor's veto of House Bill 1642. The purpose of this bill is to ensure fair and equitable practices in the procurement bid process for purchases of health and human services. The bill corrects a current DHS procurement practice, whereby for-profit organizations are allowed to submit a "pre-tax" bid that gives them an unfair advantage over non-profits which are not subject to the insurance premium tax mandated by Hawaii law.

"I would like to quote a 4/29/10 email from Emmanuel Kintu, Executive Director, Kalihi-Pālama Health Center, and Board Chair, Hawai'i Primary Care Association.

"Aloha!
For the good of Community Health Centers throughout Hawai'i and the vulnerable populations they serve, I urge you to override the Governor's veto of HB1642.

Passage of this bill provides vital consumer protection and quality health care for community health center patients by ensuring transparency in the bidding process for QUEST and QUEST Expanded health care programs.

The implementation process for the most recently awarded QUEST Expanded RFP resulted in barriers to care, such as inadequate provider networks, patient medications, and transportation.

Specific challenges that community health centers experienced, and in some cases continue to face, include:

 CHCs or other community service organizations that provide transportation to clients are not an option that Med-Quest Division (MQD) or the plans would pay for unless the organization provided transportation to all QUEST Expanded clients and followed all MQD/plan transportation regulations.

 Patients are asked to get transportation from family members or friends. If that isn't possible, the bus is the next option if the patient is physically and cognitively able to catch the bus, if a bus runs regularly, and if the patient lives within a quarter mile of a bus stop. The Handi-Van is the next option for those who can't take a bus, with Handi-Tran as the last viable alternative for areas Handi-Van is unable to service. For health centers in rural areas, this transportation issue poses a particularly difficult access problem.

 Payment and reimbursement issues, including denial of claims, for prescription medications and PPS rates.

 Multiple services provided at the same time are not being entirely paid for.

 Serious shortage of specialist providers and inadequate communication between the plans and community health centers on the provider network.

Please support the veto override of House Bill 1642, so that community health center patients are provided the best possible access to the quality health care they deserve."

"In addition, I would like to rebut the Governor's Objections.

"**The Governor claims the bill will require organizations to obtain licensure prior to bidding**: This is not true. HB 1642 allows the purchasing agency to determine whether licensure is necessary. According to the bill, applicants are required to have licensure as stated in the Request For Proposals. Therefore, the purchasing agency has full control over licensure requirements.

"**The Governor claims the bill will limit the number of qualified providers, decreasing competition and increasing costs:** This is not true. The requirement that appropriate licensure is obtained prior to bid submission adds assurances that bidders are qualified. In 2007, DHS's QUEST Expanded Access RFP stated that bidders must be a Hawaii licensed Health Maintenance Organization or Mutual Benefit Society. Despite this requirement, Ohana Health Plan was awarded a contract after failing to obtain either license. Since then, Ohana operates without a HMO or MBS license and instead operates under the Hawaii indemnity insurance licensure of WellCare, its mainland for-profit parent company. HB1642 will close this loophole. Further, there is no evidence that the current procurement process decreases costs. To the contrary, in Fall 2009, DHS increased QUEST Expanded Access health plan contracts with Ohana and EverCare, from approximately $600 million a year to $650-$660 million a year despite a large State deficit.

"**The Governor claims HB 1642 allows the bidder to dictate the award amount**: This is not true. Bids for health and human services are requested on a "per person per month" basis. For QUEST health insurance coverage services, bidders propose a per person, per month rate. DHS then pays contracted health plans the rate multiplied by the number of enrollees served for the month. HB 1642 will not force the State to pay more than necessary for services.

"**The Governor claims the bill is flawed because contract amounts cannot be determined in advance**: This is misleading. HB 1642 does not require the State determine in advance total contract amounts. Bids for health and human services are contracted on a per person, per month basis. The State awards contracts for a "per person, per month" rate and are paid based on that rate multiplied by the number of beneficiaries they served during the month. Additionally, this bill will have no impact on the ability of an agency to set rate schedules because contracts are for a per person, per month rate.

"**The Governor claims the bill is based on the misperception that the State should not be paying contractors for taxes**: This is false. HB 1642 requires that proposals include all costs, fees, and taxes. In no way does the bill prevent an agency from paying contractors for taxes. The bill does require that any costs, including taxes, are included in the bid amount. This is to prevent the current practice of agencies accepting a bid, excluding taxes, then paying the contractor for taxes after contracted. The inclusion of taxes and other costs in the bid, up front, provides added transparency in the procurement process.

"Rebuttal to Ohana Healthcare's latest claims:

"Ohana Claims: That they have paid taxes; No one disputes that they have paid taxes which are required by law. However:

FACT:
- Ohana NEVER INCLUDED the cost of the tax in their Bid Proposal.
- The STATE is PAYING Ohana the amount of the tax they owe OVER and ABOVE what it bid.
- The FEDERAL GOVERNMENT would have PAID the additional $13 million if the TAXES were INCLUDED in the Bid Proposal.

"Ohana Claims: That they saved the State millions of dollars

FACT:
- The State expected SAVINGS when it created the QExA program NO MATTER who was AWARDED the Contract.

"Ohana Claims: The RFP was consistent with HRS 103D

FACT:
- NOT TRUE. the Contracts for Health and Human Services are Governed by Hawaii Revised Statues (HRS) Chapter 103F and NOT HRS 103D.

"Ohana Claims: This bill will jeopardize many jobs and disrupt care for 41,000 beneficiaries of the QExA program

FACT:
- NOT TRUE. BOTH Ohana and Evercare HAVE contracts that DO NOT end until June 2011 and this bill DOES NOT affect their CURRENT CONTRACTS.

"Ohana Claims: This bill may put Medicaid waivers and matching funds at risk

FACT:
- There is NO Evidence of this and is a MISLEADING STATEMENT.

"Ohana Claims: This bill will cost the State millions of dollars.

FACT:
- There is ABSOLUTELY NO BASIS for this statement.

"Mr. Speaker, these concerns raised are very serious. I wish to draw Members' attention to SCR 179, which we adopted this Session. SCR 179 was introduced by the Senate Health Committee Vice Chair, and states:

WHEREAS, there are reports that the two health plans that the Department of Human Services has awarded contracts to under the QUEST Expanded Access programs do not have adequate networks of primary care providers; and

WHEREAS, concerns have arisen that the State lacked adequate assurances from the two health plans regarding the ability of the plans to deliver services; and

WHEREAS, these concerns have led to lawsuits in the federal courts to block the contract awards under the QUEST Expanded Access programs…

"As reported in SCR179, patients impacted by QExA have filed a lawsuit in federal court, which is scheduled for trial in the coming months. We need this bill to improve this situation and avoid future liability for our state.

"The need for this corrective legislation was clearly demonstrated when, in 2008, two for-profit companies bid for, and were awarded, QUEST Expanded Access Program contracts. As part of the award package, the department provided rebates on the 4.265 % tax, resulting in a higher award amount than the companies had bid.

"HB 1642, as amended by your Conference Committee, makes it clear that bid proposals should contain all costs, fees, and any taxes that the bidder may be obligated to pay. Furthermore, the bill prohibits any award from including payment or rebates not included in the proposal. The bill does not end existing contracts … but it does provide transparency to the process and it will ensure fairness in future bids and awards. Why should we continue to subsidize for-profit companies with unproven local track records? Why should we provide up-front advantages, enabling them to compete with non-profit insurers who have responsibly served Hawaii's most needy and under-served populations in cooperation with 16 community health centers on all islands?

"This bill began its long journey early in the 2009 Session. I urge my colleagues to reaffirm the stand that both House and Senate made when it sent this legislation to the Governor."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

At this time the Chair called for a roll call vote and the motion to override the veto of H.B. No. 1642, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES," as contained in Gov. Msg. No. 259 was put to vote by the Chair and carried, and was approved by the required two-thirds vote of the House pursuant to Section 17 of Article III of the Constitution of the State of Hawaii on the following show of Ayes and Noes:

Ayes, 42: Aquino, Awana, Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chang, Chong, Choy, Coffman, Evans, Hanohano, Har, Herkes, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, McKelvey, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Sagum, Saiki, Say, Shimabukuro, Takai, Takumi, Tokioka, Tsuji, Wakai, Wooley, Yamane and Yamashita.

Noes, 9: Ching, Finnegan, Ito, Karamatsu, Marumoto, Pine, Souki, Thielen and Ward.

At 2:56 o'clock p.m., the Chair noted that the motion to override the veto had carried, and H.B. No. 1642, HD 1, SD 2, CD 1, as contained in Gov. Msg. No. 259, was approved.

At this time, the Chair stated:

"In reference to Senate Bill 1311, SD 1, HD 1, Members of the House, we will not be taking this measure up at this time. Madame Clerk, please file this measure with the House."

Gov. Msg. No. 197 and S.B. No. 1311, SD 1, HD 1:

At this time, Gov. Msg. No. 197 was placed on file.

ORDER OF THE DAY

UNFINISHED BUSINESS

At this time, the Chair stated:

"Members of the House, may we proceed back to the Order of the Day, Unfinished Business, where we deferred two measures to the end of the calendar. Senate Bill 2646, Senate Draft 1, House Draft 2, Conference Draft 2; and also Senate Bill 2405, Senate Draft 2, House Draft 1, Conference Draft 1."

S.B. No. 2646, SD 1, HD 2, CD 2:

Representative B. Oshiro moved to recommit S.B. No. 2646, SD 1, HD 2, CD 2, to the Committee on Conference, seconded by Representative Evans.

Representative Ching rose to speak in opposition to the motion to recommit, stating:

"Thank you, Mr. Speaker. I rise in opposition to the recommittal of this measure. This measure, which was supported by so many people and passed out of the Senate, recognizes that surfing specifically, water-based recreation in general, are significant elements of Hawaii's culture, history, recreation and economy, and therefore should be identified, promoted and

protected as reserves by the DLNR working in partnership with federal, State and departments. We're on *sine die*.

"The introducer of this bill, born to Fred Sr. and Lillian Freitas Hemmings, a true *keiki o ka 'aina*, part Portuguese and Caucasian, of Portuguese heritage, graduated from Punahou, was a quarterback of the football team, won the Makaha International and numerous surfing championships, and was inducted to the Punahou Hall of Fame here in Hawaii. He's listed as one of Hawaii's top surfing athletes."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker."

At this time, the Chair addressed Representative Ching, stating:

"Representative Ching, will you conclude your remarks in regards to the bill that is before us which is surfing reserves. It is nothing to do with the colleague in the other Chamber. So please confine your remarks to those sites that are being included and part of the discussion in regards to surfing reserves, please."

Representative Ching: "Mr. Speaker, this is and I was in the hearing for this bill, and I learned very much about the merits of this bill."

Speaker Say: "Representative Ching."

Representative Ching: "I believe this is a good bill and that it should not be recommitted."

Speaker Say: "Okay. That's your position. 'It's a good bill and it should not be recommitted.'"

Representative Ching: "And the only conclusion I can have of why this bill is being recommitted is what I have said on the Floor before."

Speaker Say: "And that is incorrect at this point in time. So please, if you want to speak on the recommittal, the motion to recommit, please do so."

Representative Ching: "I do feel that this bill should not be recommitted. That it's important to the economy of Hawaii to recognize those heritage sites. As a founder of the Heritage Caucus I think this is the kind of thing we want to help promote not only our culture, which I've always said our culture is unique to the world and of all of it, surfing is up there with the top of what is unique to Hawaii.

"I just believe that in promoting surfing, we are promoting the economy, and it's a win-win because we are also promoting our unique Hawaiian culture. It is just one of the saddest things that I can think of that, on this particular day, that this will be recommitted. Additional written comments please."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to the recommittal and in strong support of S.B. 2646, SD 1, which designates Waikiki and certain areas of the north shore of Oahu as Hawaii surfing reserves.

"As expressed in the written testimony submitted by the Historic Hawaii Foundation: "The bill recognizes that surfing specifically, and water-based recreation generally, are significant elements of Hawaii's culture, history, recreation and economy, and, as such, certain areas should be identified, promoted and protected as surfing reserves by the Department of Land and Natural Resources, working in partnership with federal, state and county departments and other organizations…. The bill refers to examples from Australia as precedent, along with consideration given to the concept in New Zealand…. In Hawaii, surfing has occurred in Waikiki every day for centuries and is…integral to the recreational, economic and cultural values of Hawaii."

"I applaud the efforts of my colleagues for taking steps to ensure that these areas are recognized and protected. Thank you."

Representative Finnegan rose to speak in opposition to the motion to recommit, stating:

"Thank you, Mr. Speaker. Just in opposition of the recommittal. Mr. Speaker, I believe that this bill is being recommitted for rumors that have been going around instead of the actual merits of the bill, so that's my opposition. Thank you."

Representative Manahan rose to speak in support of the motion to recommit, stating:

"Mr. Speaker, I'm rising in support of the recommittal. As the Chair of one of the lead Committees in the Conference Committee, as well as where the bill was referred, I support the recommittal because I think in the end, especially when we had to offer the floor amendment, there was a lot of miscommunication and I think a lack of communication. I don't believe we have enough information to go on right now. This issue can be taken up at a future date, but certainly at this point I believe it should be recommitted. Thank you."

Representative Ward rose to speak in opposition to the motion to recommit, stating:

"Mr. Speaker, I rise in opposition to the motion for two reasons. Mr. Speaker, first reason is it's untimely. It has gone through hearing, after hearing, after hearing, and passed through. We even amended it on the Floor the other day, so it's had the reiterations of the democratic process. So why at the 11th hour are we doing this? It's unorthodox.

"Second reason is, it's unfair. Mr. Speaker, I know you don't want to see how this will affect somebody who's given 20 years of his life. He's a hall of famer."

The Chair addressed Representative Ward, stating:

"Representative Ward, you're out of order in regards to making any reference or allusions."

Representative Ward: "Mr. Speaker, let's be real. This is the 'swan song' for one of Hawaii's best."

Speaker Say: "Representative Ward, you are out of order. Please confine your remarks to the motion to recommit."

Representative Ward: "Mr. Speaker, I challenge you to say I'm out of order to speak for Fred Hemmings for receiving this."

Speaker Say: "Representative Ward, you are out of order. You are out of order."

Representative Ward: "I disagree with you."

Representative Marumoto rose and stated:

"Mr. Speaker, I agree with the previous speaker who said that this bill went through several hearings and passed the House, and passed the Senate, and was amended in both houses. And now at the 11th hour, the plug is being pulled on it. I can only surmise that it could be for political reasons. If anyone could possibly explain and edify me."

The Chair addressed Representative Marumoto, stating:

"Representative Marumoto, you are out of order in reference to any political reason. There is no allusion to political reasons."

Representative Marumoto: "If there're any reasons, any testimony which came to light in the past 48 hours, I would certainly like to know it. But it's a shame that we cannot pass something in tribute to someone who's leaving the Senate after many years of public service. I would hope that this is, as you say, not political. Thank you."

Speaker Say: "Representative Marumoto, I believe you are out of order in making that statement because you are incorrect."

Representative Finnegan rose and stated:

"Mr. Speaker, point of information. Mr. Speaker, I just would like to know why don't we just vote on the bill instead of recommitting it. If you want to kill it on the House Floor, it would be better to let the House vote than to have it recommitted without having the people know the vote on the particular measure. Thank you."

Speaker Say: "The Chair would like to recommit it at this point in time."

Representative Belatti rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. In support of the recommittal. Some very brief comments. I'm supporting this recommittal because over the past few days, after the testimony had been heard in hearing, we've been getting lots of emails about the lack of consultation of the local community on this issue.

"So recommittal does not mean that this bill is dead, it just means that it needs to go back and be worked on more. There are many bills, many great ideas, many important things that do not get dealt with by this Body. So I think that this is no different and it should be taken up by a future Legislature. Thank you very much."

Representative Morita rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. In support of the recommittal. I think the Representative from Waikiki said it best in the last debate on the floor amendment of this bill. As various sites were removed from the bill, it read more like a resolution. So the democratic process did work, and the bill wasn't substantive enough to warrant this being in statute. Maybe the proper venue is a resolution and a congratulatory certificate. Thank you."

Representative Brower rose to speak in support of the motion to recommit with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations and a few brief comments. Thank you. There is a lot of concern that this may hint at development of professional sports at the beach. It may misplace local residents, displace them and sometimes ..."

The Chair addressed Representative Brower, stating:

"Representative Brower, in being fair with the Members of this Body, please confine your remarks to the motion to recommit. 'I support the recommittal because …,' and not go into anything else."

Representative Brower: "Thank you, Mr. Speaker. I support the recommittal with reservations, and I would look forward to working on this more in the future. Thank you."

Representative M. Oshiro rose to speak in support of the motion to recommit, stating:

"Mr. Speaker, I stand in support of the recommittal. Number one, it's better late than never to put to rest the measure that is not ready for acceptance by our surfing community and those who recreate in the surf. Number two Mr. Speaker, for all the thousands of surfers out there who are not world champions, or who engage in commercial aspects of surfing, but do it for the love of the sport, I speak for them. Thank you."

Representative Pine rose and stated:

"Point of information, Mr. Speaker. I still have not heard why we are recommitting the bill. What were all those emails? What were the reasons? Who objected? We had all Session. We've heard from so many people about so many bills. Can someone on this Floor be honest and just share with me who these people are and what was said?"

The Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order at this point. If you want to speak on the motion to recommit, you may do that at this point in time. I was very fair by having the first speaker share what this bill was all about. I was very forthright with her that that is not part of the motion to recommit. This is to discuss the motion to recommit."

Representative Pine continued, stating:

"Okay. I'll be more clear in my discussion of being against recommitting the bill. It's because no one has given me any answers to these questions, Mr. Speaker. I was elected to represent the 43rd District. I do surf. My family surfs. And this is the one bill that did not get a lot of objection.

"I find it sad for democracy that I'm experiencing the recommittal of a bill that had no opposition. Experiencing people recommitting a bill, killing a bill. By recommitting this bill today you are killing this bill. And you remove the person's name who introduced it. So Mr. Speaker, for the sake of democracy I vote no, because we are recommitting this bill with a lack of information as to why we are recommitting the bill, and I believe that's just wrong."

Representative Belatti rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal. The previous speaker asked what kind of testimony and emails that we've been receiving. We did receive an email from Mahina Chillingworth of Hui O He'e Nalu from the North Shore community, and I would request that I be able to insert it."

Representative Belatti submitted the following:

"North Shore Questions SB 2646
Sent: Wednesday, April 28, 2010 6:46 PM
To: All Reps; All Senators
Dear Legislators:

The North Shore Surfing Community was not presented any information on this bill and the affects a surf "reserve" will have on our ocean areas in the North Shore. The creation of a surf reserve is not clearly defined in the bill. The Hui O He'e Nalu is the largest surfing organization on the North Shore and the State of Hawai'i with over 200 active members with strong ties to the surfing community and we question this bill.

We believe the bill should be stopped and should come back to the community so proper study, input and review can be done by community members before the North Shore agrees to be a part of a Surf Reserve.

Community members from Honolua Bay and Makaha are also objecting to being included SB 2646. Honolua Bay was removed from the bill, Makaha is in the process of working to be removed from the bill, why is the North Shore still in the bill when we don't want to be in it either?

Thank you for time and consideration.

Aloha,
Mahina Chillingworth
and the 250 members of the Hui O He'e Nalu"

Representative Finnegan rose and stated:

"Mr. Speaker, I understand that the speaker is talking on answering a question but ..."

Speaker Say: "It was a point of rebuttal, and she was making references to those people who had testified in opposition to the bill."

Representative Finnegan: "Correct Mr. Speaker."

Speaker Say: "That is the motion to recommit that there is that motion to recommit in explaining why."

Representative Finnegan: "So does that extend our right to talk about the bill?"

Speaker Say: "No. It was the process."

Representative Finnegan: "Okay, thank you."

The motion was put to vote by the Chair and carried, S.B. No. 2646, SD 1, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," was recommitted to the Committee on Conference, with Representatives Ching, Finnegan, Marumoto, Pine and Ward voting no, and with Representative Chang being excused.

At this time, the Chair stated:

"Members, at this time the Chair will be taking Senate Bill 2405, Senate Draft 2, House Draft 1, Conference Draft 1, which is Conference Committee Report No. 52-10, out of order."

Conf. Com. Rep. No. 52-10 and S.B. No. 2405, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, Conf. Com. Rep. No. 52-10 and the attached proposed CD 1, on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2405, SD 2, HD 1, entitled "A BILL FOR AN ACT RELATING TO TAXATION," were recommitted to the Committee on Conference.

SUSPENSION OF RULES

Contrary to the Order of the Day, Representative B. Oshiro moved to suspend the rules of the House to reconsider action taken in postponing indefinitely H.B. No. 444, HD 1, SD 1, seconded by Representative Karamatsu.

At 3:11 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:29 o'clock p.m.

At this time, the Chair stated:

"Members of the House, and residents and family and friends in the Gallery, the Chair would like to state to all of you that we do believe in proper decorum. The Members don't want to hear verbal abuses or physical threats. You are all well-educated individuals out there, and I hope that will you listen and not cheer or go after Members, whatever happens today.

"For the Members of the House and for the people in the Gallery, let me say this. Our colleague Representative Blake Oshiro, the Majority Leader, made a motion to suspend the rules to reconsider action previously taken in indefinitely postponing action on House Bill 444, House Draft 1, Senate Draft 1. The second was done by Representative Jon Riki Karamatsu. For a motion of this nature, the suspension of the rules, there will be no debate. The Chair has decided that it will not be a voice vote because for the people who are in the Gallery, your advocates and supporters, it will be a roll call vote. So at this time the motion has been made. Is there any discussion on the motion to suspend the rules?"

Representative Pine rose and stated:

"Yes, Mr. Speaker. This is just to reconsider, and not any final vote on the issue?"

Speaker Say: "No, not yet. Just a suspension of the rules."

At this time the Chair called for a roll call vote and the motion to suspend the rules of the House to reconsider action previously taken in postponing indefinitely H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was put to vote by the Chair and carried on the following show of Ayes and Noes:

Ayes, 34: Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Ching, Chong, Coffman, Finnegan, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Marumoto, McKelvey, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Saiki, Say, Shimabukuro, Takumi, Thielen, Wakai, Wooley and Yamashita.

Noes, 17: Aquino, Awana, Chang, Choy, Evans, Har, Ito, Magaoay, Manahan, Mizuno, Sagum, Souki, Takai, Tokioka, Tsuji, Ward and Yamane.

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action taken in indefinitely postponing action on H.B. No. 444, HD 1, SD 1, seconded by Representative Karamatsu.

At this time, the Chair stated:

"Any discussion Members of the House? Let me explain to the Gallery. This motion now is to reconsider action taken in indefinitely postponing action on House Bill 444, House Draft 1, Senate Draft 1.

"The previous motion, for the audience in the Gallery, was to suspend the rules. Does everyone get that? It was to suspend the rules of the House in order to take up the second motion which is to reconsider action taken in indefinitely postponing action on House Bill number 444, House Draft 1, Senate Draft 1. We had a second from Jon Riki Karamatsu. In this particular motion, Members of the House, there is a full debate."

Representative Ward rose to speak in opposition to the motion, stating:

"Mr. Speaker, I rise in opposition to the motion. Mr. Speaker, earlier I gave two reasons why the Fred Hemmings surfing bill should not be recommitted."

The Chair addressed Representative Ward, stating:

"Representative Ward, we are not addressing that issue at this point."

Representative Ward continued, stating:

"We're addressing a recommittal and the reverse of that, Mr. Speaker. But the two reasons why I spoke against that were the same as this one. First it's untimely, secondly it's unfair. Untimely, why? Mr. Speaker, it's time to go home. We're minutes away from adjourning. Why now? In January we had on this Floor this issue and it was voted down. Albeit it was silent and mysterious and democracy should be open, it should be transparent. And I commend the Chair that everything is going to be on the record, fully, completely and with a roll call. But Mr. Speaker, it's a very, very untimely, very, very untimely issue.

"Secondly, it's unfair. Mr. Speaker, unfair because this maneuver without public hearings, without recognition, even though I know there's been a lot of lobbying going on, is the equivalent of, I don't know if you ever played hockey, but as soon as the puck hits the ice everyone starts flailing away with their sticks. And what we're going to do to the community after this vote, no matter which way it goes, we're going to have a beehive of negativity for the next 6 or 8 months. And everybody's going to get hit with a stick. If you vote for same sex marriage, you're out of here. If you vote against it, you're out of here. Nobody's going to be safe. This is going to cause chaos in the community. It's not what we as 'legislators' are to do on the last day, before sine die. In fact, within the last hour, Mr. Speaker. So it's untimely, it's unfair, and I think this is not a wise move to take. Thank you."

Representative Finnegan rose to speak in support of the motion, stating:

"Thank you, Mr. Speaker. For the edification of the audience I will be voting yes on this second motion."

The Chair addressed Representative Finnegan, stating:

"We're going to have a roll call vote so there is no problem about making it known right now. Please proceed. But you're in support of the motion."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. Mr. Speaker, when I had spoken about this issue before, I talked about walking away from our votes with peace. One way or the other, whatever you decide is your decision as legislators, and I think that that's what the previous speaker was talking about when he was doing the opposite of what I'm doing in a vote. He was talking about peace as well.

"Mr. Speaker, I feel at peace if we are to let the people who have come here on a daily basis, who have sat up there in the gallery, taken the time to talk to our offices, taken the time to write in newspapers or whatever. I feel at peace if we give them a straight answer. And Mr. Speaker, we have four motions here. And I believe that the loud and clear motion on where you stand will be made in motion number three. We are on motion number two, and that's why I'm voting in favor of this reconsideration. Thank you."

Representative Ching rose to speak in support of the motion, stating:

"Thank you, Mr. Speaker. I rise in favor of the motion. I think that when we are elected we know that our job is not easy. We're elected by the people to make sure that people do hold us accountable for what we believe and it's up to us to be able to just explain it. But it's important first of all, that our people trust us. And that our people know who we are, what we are. That is why it is hard. It is not the easiest job and I hope that people know that. And you hope that people sometimes, just agree to disagree. But you hope that you can agree on another matter that is important to the State of Hawaii. But I think that utmost, I agree with my colleague that people deserve, the voters deserve, the right to know where we stand, to know what we voted. And this is an important part of good government. Thank you."

At this time the Chair called for a roll call vote and the motion that the House reconsider its action taken in indefinitely postponing action on H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was put to vote by the Chair and carried on the following show of Ayes and Noes:

Ayes, 34: Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Ching, Chong, Coffman, Finnegan, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Marumoto, McKelvey, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Saiki, Say, Shimabukuro, Takumi, Thielen, Wakai, Wooley and Yamashita.

Noes, 17: Aquino, Awana, Chang, Choy, Evans, Har, Ito, Magaoay, Manahan, Mizuno, Sagum, Souki, Takai, Tokioka, Tsuji, Ward and Yamane.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

At this time, the Chair stated:

"Members of the House, ladies and gentlemen in the Gallery, the next motion that this Body will consider is the motion to agree to the Senate amendments to House Bill 444, House Draft 1, Senate Draft 1. So it's a four-motion process to get to Final Reading. Does everyone understand this, Members of this House?"

Representative B. Oshiro moved to agree to the amendments made by the Senate to H.B. No. 444, HD 1, (SD 1), seconded by Representative Karamatsu.

Representative Ward rose to speak in opposition to the motion, stating:

"Mr. Speaker. Somebody's got to go first right? Mr. Speaker, I rise in opposition. I didn't think that I would have to give this speech, but it is, and it's time to do so. Mr. Speaker, what I think we have to realize is that there's a precedent being set here that I'm not sure everybody realizes is totally understood or realizes what's going on. What I'm talking about is the issue of domestic partnership, civil unions, same sex marriage is a bundle of rights which everybody should have except for one thing that's going on, Mr. Speaker.

"As we look at this on a national level, even though it started here in 1993 when Judge Levinson made his declaration, it's an issue that the American people when given the choice have said, 'Hey you legislators, hey you courts, we don't want same sex marriage'. And I know people are going to stand up and say that this is not about same sex marriage. Mr. Speaker, I would refer you to essentially what has been going on in the mainland.

"Case in point is the courts in Connecticut have already said that their civil unions bill that they passed into law is separate and unequal to marriage. Does that sound familiar for those and many lawyers who are here?

"All of you remember Plessy vs. Ferguson, as long as you have separate schools for blacks and separate for white, as long as they're equal it's okay. And then after years and years of experience came Brown vs. The Board of Education. They said, even though it's separate, it is inherently unequal, and basically that's what the courts have ruled in Connecticut.

"Mr. Speaker, we are just about to enter on that slippery slope if we go to this part. And I know there's a lot of nice language where it says a partnership and it calls marriage something else, but it basically uses the same statute as the marriage statute. So, a rose by any other name is a rose, is a rose.

"So Mr. Speaker, I just want to know for those who are voting for this, let their eyes be open. Let them remember that in 1998 the people of Hawaii spoke. And as recent as December of 2009, SMS Research in a poll said, when asked the question between November 30 and December 1, do you strongly favor, favor, oppose, or strongly oppose a law that allows marriage between two persons of the same sex? 66% of respondents with an opinion answered opposed, or strongly opposed. Mr. Speaker, the numbers have maybe changed 2 or 3 percentage points over a decade.

"The people of Hawaii don't want it, and what we're doing is setting up the legal apparatus if you will, so we get basically Plessy vs. Ferguson, then we get Brown vs. The Board of Education and it gets struck down. And every place that it gets struck down Mr. Speaker, the people are the ones who say, 'Hey, nobody asked me.'

"So Mr. Speaker, if we in effect want to do this, let's go back to the people of Hawaii and let's say, 'Hey look. Do you want to have this? You don't want to have it?' But don't leave it to this Body because each time any Legislature in the country has done it, they have done it without the knowledge of the people, and then the people turn around and in 31 states have a constitutional amendment against it.

"Having said that Mr. Speaker, this is really, really untimely. It's like when you're at a wedding ceremony, you're about ready to get champagne and celebrate the marriage, and then for formality they say, 'Does anyone disagree with this or forever hold your peace.' And suddenly what otherwise was a wedding, and I'm not saying today was a wedding because we had a little bit of argument. But Mr. Speaker, this is where somebody's running up, and I forget the name of the movie, and plucking the bride out and running away with it and dividing two families big time. And that's what we're going to do to this community with this bill, with this vote. If we go further we're going to Plessy vs. Ferguson and then ultimately, Brown vs. The Board of Education. Thank you, Mr. Speaker."

Representative McKelvey rose and stated:

"Thank you very much. Mr. Speaker. Now is the time I think that it's most poignant for me to say my piece."

The Chair addressed Representative McKelvey, stating:

"You don't want to save it for Final Reading?"

Representative McKelvey continued in support of the motion, stating:

"No, because I agree with the Senate Amendments, and I think that's the crux of my thing. Members and the public, you know I voted against this measure when it left the House. The reason why I voted against this measure when it left the House was because in the name of ending discrimination, it discriminated in that only same sex couples could be afforded a civil union. What the Senate did was make it applicable to heterosexuals too. I disagree with my good friend from Hawaii Kai because I believe by doing that it takes it out of the realm of Plessy vs. Ferguson, for it is equal now. If my girlfriend and I want to have a civil union, then we can have a civil union.

"I think there was a letter to the editor of the *Star-Bulletin*. I tried to search for it, but I couldn't find it. It summed it up the best. The homosexual lifestyle is one that an individual chooses, but it's not for me. The bottom line is that people are entering marriage as if it was just a revolving door, Mr. Speaker. People get married, they get divorced. They get married, they get divorced. It's a mockery of the institution.

"To me, civil unions, especially that between a man and a woman, gives people the chance to really search within themselves to have that relationship. Then if they want to get married to make that promise before the greater being, forever and ever. Yes this will afford members of the same sex community the rights, contractual rights that they have so long afforded, but it also gives heterosexual members of the community a chance to enter into a relationship and to really explore whether or not they will hold the words, 'forever,' Mr. Speaker. I know I will suffer the slings and arrows of both sides for what I said today, but I believe that by having this Act equal to everybody, man and woman, that perhaps the institute of marriage will be restored to the sanctity that it once was.

"Anyway Mr. Speaker, I just say that I do support what the Senate did. I believe now it is truly fair, and I do think it takes it out of the realm of the Connecticut court ruling. Thank you, very much."

Representative Ching rose to speak in opposition to the motion, stating:

"Thank you, Mr. Speaker. I stand in opposition. I just wanted to say that I believe in the dignity of every person, every person under the heavens. And I believe that everyone, and I know that everyone is someone's son or daughter. I am a mother to a precious one. That everyone deserves dignity and love. I just do believe, I mean I am old fashioned and I'm the founder of the Heritage Caucus. I'm an old-fashioned person, and I believe in traditional marriage. Thank you."

Representative M. Oshiro rose to speak in support of the motion with reservations, stating:

"Mr. Speaker, I stand in strong support, but I do have some reservations however on section 3 and section 6 of the measure. I'll save the rest of my comments for Final Reading. Thank you."

At this time the Chair called for a roll call vote and the motion to agree to the amendments made by the Senate to H.B. No. 444, HD 1, (SD 1), entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was put to vote by the Chair and carried on the following show of Ayes and Noes:

Ayes, 31: Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chong, Coffman, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Marumoto, McKelvey, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Saiki, Say, Shimabukuro, Takumi, Thielen, Wakai, Wooley and Yamashita.

Noes, 20: Aquino, Awana, Chang, Ching, Choy, Evans, Finnegan, Har, Ito, Magaoay, Manahan, Mizuno, Pine, Sagum, Souki, Takai, Tokioka, Tsuji, Ward and Yamane.

FINAL READING

H.B. No. 444, HD 1, SD 1:

At this time, the Chair stated:

"Members of this House, family, friends and residents in the Gallery, this is the fourth motion in the legislative procedural process and that is the motion to pass Final Reading."

Representative B. Oshiro moved that H.B. No. 444, HD 1, SD 1, pass Final Reading, seconded by Representative Karamatsu.

The Chair addressed Representative Ward, stating:

"Representative Ward, would you like to incorporate your comments on the motion to agree to the Senate Draft at this point in time?"

Representative Ward rose to speak in opposition to the measure, stating:

"Actually Mr. Speaker, there's something I left out of my other one. Mr. Speaker, in addition to being as I mentioned, with the equality in our schools, there's another argument that I think is missing. If this is really about equality and it's really about just getting a more comprehensive bundle of rights Mr. Speaker, we have reciprocal beneficiaries. That was the genius of 1998. That's the bill that exists now. If we really just wanted to do that as my colleague from Maui says, let's fill up the reciprocal beneficiaries all the way to the top.

"If the issue is just rights, if the issue is just benefits, we've got that already as a repository for every member in our community. It's for those who are of a particular sexual persuasion and of different persuasions. So Mr. Speaker, that to me is an alternative that's not being considered, but it's an option that should be mentioned because if it was all about rights and equality, that would have been filled up much before we do what we're in the process of doing.

"Again Mr. Speaker, this is going to be the 'tinder box' of the months to come. And for those of you who know that tomorrow's the beginning of when we take our legislative hats off and our governing abilities and we go out to the people of Hawaii, the vote in the next 5 minutes is going to have ripples, repercussions and serious implications for all of us. May God help us. Thank you."

Representative Tokioka rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. With all due respect, I'd like to vote no Mr. Speaker. Thank you, very much."

Representative Bertram rose to speak in support of the measure, stating:

"I support this motion and it's just very simple. When people would come into my office and ask if I was for civil unions I would say, 'No. I'm for civil rights.' And that's what all this is about. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I will not take up any time. I just want to take this opportunity to sincerely thank this Body from the bottom of my heart. It means a lot to me that we're taking this vote today. I'm not sure what the outcome will be, but it does reaffirm my belief for why I'm here and what we are about. And so for that I thank you, I thank this Body, and I'd also like to submit written comments."

Representative B. Oshiro's written remarks are as follows:

"I am in strong support of HB444, an important bill about equality. Hawaii has a long history of diversity, acceptance and protection of civil and individual rights. This is another step in that continuum of doing the right thing, regardless of the timing because it is always the right time to do the right thing. While it has been mischaracterized as being about marriage and/or religion, that is inaccurate; the bill, its language, contents, purpose and intent is simply about how the government treats its citizenry and that as a state, the government should not discriminate, regardless of gender or sexual orientation.

"In 2009, thirty-three members of the House joined in co-signing HB444, Relating to Civil Unions. This bipartisan measure was a clarion call in support of equality. Now, nearly a year later, after two lengthy public hearings, multiple Floor debates, and discussion with community members – this measure is before us one final time.

"Earlier this year the House moved to indefinitely postpone this bill. The pulse of the majority of this Body indicated that the time was not right to take action. The immediate focus had to be on balancing our State's budget – sentiments echoed by constituents, as well as the Governor at the time. That difficult work has now been done, thanks to the remarkable work by the Finance Chair and the Finance Committee, and as Session draws to a close and after much time and consideration – we pause for a moment to reconsider HB444.

"For many in our State, there has been an expectation that the State would extend equal rights to same-sex couples following the Hawaii Supreme Court's 1993 decision (*Baehr v. Lewin*), and the subsequent action by our State to recognize reciprocal beneficiaries (RB). However, as we have seen over the years, the rights and privileges extended to RBs have not been on par with those extended to opposite-sex couples. In fact, of the 1781 laws governing marriage, only 172 govern RBs. Our vote today in support of HB444, which creates civil unions, seeks to correct this inequity.

"Article I, Section 5 of the Hawaii State Constitution states: 'No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.' Members, this measure will address the constitutional injustice facing many couples in our State.

"Concerns have been raised regarding the bill's January 1, 2010 effective date. However, I would direct Members' attention to the Attorney General's memo dated November 25, 2009 (which I will submit to the Journal). In the memo, addressed to Senator Les Ihara, Jr., Deputy Attorney General Russell A. Suzuki states the following, "We advise that H.B. 444, H.D.1, S.D.1 would not be invalid because its effective date precedes the date that the bill becomes law. Such legislation is often referred to as retroactive or retrospective legislation. See Roe v. Doe, 59 Haw. 259, 581 P.2d 310 (1978)."

"As I have said in the past regarding this issue, there comes a time when we need to do our job and not simply worry about keeping our job.

"Members, today we are presented with the chance to right injustice. It is the right time for us to do the right thing and to do our job in passing this bill. As stated by Martin Luther King, Jr. "The arc of the moral universe is long, but it bends towards justice." Today, let us bend that arc a little further."

Representative B. Oshiro also submitted the following memo:

LINDA LINGLE
GOVERNOR

MARK J. BENNETT
ATTORNEY GENERAL

LISA M. GINOZA
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

November 25, 2009

The Honorable Les Ihara, Jr.
State Senator, 9th District
The Twenty-Fifth Legislature
415 South Beretania Street
State Capitol, Room 220
Honolulu, Hawai'i 96813

Dear Senator Ihara:

Re: Effective Date of H.B. No. 444,
H.D. 1, S.D. 1, Relating to Civil Unions

By email dated November 11, 2009, you requested our advice as to whether it is necessary to further amend H.B. No. 444, H.D. 1, S.D. 1, by changing the bill's effective date from January 1, 2010, to a later date, such as January 1, 2011. We understand from the memorandum that you received from the Legislative Reference Bureau dated August 18, 2009, that your concern is that a bill might be deemed defective or invalid if an effective date precedes the date the measure passes and becomes law or that the bill might otherwise be subject to veto by the Governor.

We advise that H.B. No. 444, H.D. 1, S.D. 1 would not be invalid because its effective date precedes the date that the bill becomes law. Such legislation is often referred to as retroactive or retrospective legislation. See Roe v. Doe, 59 Haw. 259, 581 P.2d 310 (1978) ("While, therefore, it cannot be questioned that the legislature has the power to enact a retrospective law unless it contravenes some constitutional inhibition, it is also a recognized rule that retrospective laws are not favored and all laws will be construed as prospective unless the language employed imperatively requires a contrary construction.") Thus, the bill would not be invalid because its effective date precedes the date of its enactment. However, while the bill's validity would not be an issue, whether the bill is to be interpreted as being retroactive to the bill's stated effective date of January 1, 2010 or effective on the date

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the bill becomes an act would be brought into question. While section 1-3 of the Hawaii Revised Statutes provides that "[n]o law has any retrospective operation, unless otherwise expressed or obviously intended," it would appear that when a legislature enacts a law with an obvious effective date that precedes the date the bill is passed, that such a bill would be interpreted to be retroactive legislation.

For all intents and purposes, if this bill is passed with an effective date of January 1, 2010, there will be administrative problems that the Department of Health would face and civil union ceremonies would probably not be available until the Department of Health has developed the forms and procedures for obtaining the civil union license and persons who would be authorized to solemnize a civil union are licensed.

There are likely other practical problems that would result from an effective date preceding enactment, as well as from an "on approval" effective date that does not provide sufficient time for planning and implementation. That is presumably why this bill's drafters provided a six-month lag between the presumed adoption (mid - 2009) and the effective date (January 1, 2010). Such a lag makes sense from a policy perspective and to avoid litigation and uncertainty.

Should you have questions, please feel free to contact us further.

Very truly yours,

Russell A. Suzuki
Deputy Attorney General

APPROVED:

Mark J. Bennett
Attorney General

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Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. I think on this issue, as I mentioned to other colleagues, that when I got into office 18 years ago this was an issue that came up and it's been around with all of us for the last 18 years. I'm glad we're taking a vote on it. And whether or not it succeeds, the fact of the matter is we are voting, we are being held accountable, and I applaud the leadership for allowing this to happen. Written comments into the Journal with your permission. Thank you."

Representative Takumi's written remarks are as follows:

"Mr. Speaker, when I was first elected to office in 1992, little did I know that as a result of the Hawaii Supreme Court ruling on the Baehr v. Lewin case, I would soon be embroiled in a contentious social issue.

"Here we are 18 years later, and whether it's called same-sex marriage, domestic partnerships, civil unions or reciprocal beneficiaries, it still continues to divide our community, our families and, indeed, our Legislature.

"We've all gotten the e-mails, letters and phone calls. For or against, eloquent or crude, tolerant or bigoted, compassionate or indifferent, they reflect the best and worst in all of us.

"There are no easy answers. But I believe that there is a just answer. And that is the bill before us.

"All of us who are privileged to serve in this Chamber are here for one reason and one reason only: to make a difference. Now, we may disagree on how we go about resolving problems confronting our communities, but we all share the common value of wanting to make a difference in the lives of the people of Hawaii.

"Today, we can make a difference.

"There are those who say that voting in support of this measure will mean some of us losing in the upcoming election. This may very well prove true.

"But, Mr. Speaker, this is a small price to pay compared to the thousands of people out there who are denied the very same rights, benefits and obligations that most of us enjoy and are entitled to simply because of our sexual orientation. This is not right.

"Today, we can make it right.

"Finally, there are those who say that we shouldn't do anything given all the pressing issues that must be dealt with, and that this doesn't quite rise to the level of taking action.

"But rise it does, Mr. Speaker. Rise it does. And today, at long last, so must we."

Representative Karamatsu rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I'd like to insert written comments and I also would like to remind everyone on both sides of the argument to stay positive because so many times on so many issues, people have gone negative. I just want to keep reminding everyone that we're here to do the best we can and don't attack anyone, because my friends are also the ones who are saying no, too. So I just want to remind everyone of that. Thank you, very much."

Representative Karamatsu's written remarks are as follows:

"I rise in support. Since our existence, we as a human race have been very judgmental of others, especially a minority sector of people because of their sex, color of skin, ethnicity, religious beliefs, culture, behavior, and lifestyle. It is the majority of the people that decides what is acceptable for society, and often times the minority of the people get the short end of the stick.

"Our great State and country have come so far in regards to equality and compassion. In the past, we had laws that discriminated against every type of minority. We have done so much to correct our wrongful acts by changing our laws to be inclusive rather than exclusive.

"However, we still have much work to do in creating equality for all in our great State and country. In regards to the same-sex community, not all of our laws extend the same rights to them as we do for the heterosexual community. We as a society want people to take care of each other, rather than harm one another. This "civil unions" legislation would allow heterosexual couples and same-sex couples to enter into a contract. A civil union contract is like our marriage agreement under the law in which everything is shared such as tax liabilities, tax incentives, privacy, personal property, real property and children, and when there is dissolution of the partnership, everything shared is divided as equally as possible. The law protects each partner to be fairly treated.

"Keep in mind that we are not only allowing rights, but requiring responsibility on all partnerships. There are legal liabilities if partners do not care for each other. Too often, we hear of cheating, domestic violence, sexual abuse, fighting over money and property, and partnering because of financial greed. Our actions are the real threat to marriage or civil unions.

"This "civil unions" bill is a step towards unifying our State and country even further. We as a society must have love and compassion, rather than anger, hate, and discrimination. Let us try to eliminate or at least minimize our judgments on what we see physically before us. We are judging our fellow family, friends, and neighbors because they have a minority lifestyle. Let us look at this issue not only legally, but esoterically. Body is nothing more than emptiness and emptiness is nothing more than body. Rather than just looking at what is before us, let us look deeper and see the souls of others. One's soul can radiate love and compassion, or it can radiate hate and discrimination. Instead of judging others, we need to look within our own soul and better ourselves. Let us spread love and compassion and provide equality for all. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in favor of this motion. I think all of us, all Americans believe in the right to life, liberty and the pursuit of happiness. And to me happiness is defined by a loving family and a faithful life partner, and I'm blessed with both. Sad is the person who has none of these. We would have a more contented populace and a better world if everyone had a large family, or at least someone. I don't believe our society will come crashing down if we pass this bill. It hasn't in Canada, and Mexico, and Spain, and other jurisdictions. Nothing is dearer to me, and to many of you here, than our family values. And because I believe we are all God's little children, for this reason I vote to enact civil unions. Thank you."

Representative Choy rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, I believe in traditional family values, and I think I'll save the rest of my remarks for written comments. Thank you."

Representative Choy's written remarks are as follows:

"Mr. Speaker, I stand in opposition of HB 444. The issue of civil unions will be debated for decades and there is really no right answer. I would have preferred to put this issue on the ballot to let the people decide, but even that suggestion is arguable.

"This issue is one of equal rights and not civil rights. Being an equal rights issue, it is our job to determine the parameters of equality for our society. We do this all of the time. For example, we put in place laws that limit the amount of speed we can drive on our highways. It's ironic that we place a speed limit of 55 MPH on our freeways, but allow cars to be built

that can exceed the limit by as much as three times. But I guess that's just the character of our society to give people the choice.

"The purpose of our laws is to set standards so people can determine whether they are in compliance with rules that are beneficial for all of our society. Marriage between one man and one woman is just such a rule. What we did today in passing HB444 was to abolish that limit. So let's ask ourselves what other limits should we augment or should we have any limits at all. History has shown that societies without limits no longer exist. History will judge us on this issue. I hope we guessed right."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. However, I wish that at the end of this vote here that the healing process will begin for all. Thank you, very much."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support and would like to submit written comments into the Journal. Thank you."

Representative Morita's written remarks are as follows:

"This bill is nothing less than a matter of civil rights and I support it for this reason. The Hawaii State Constitution is clear on our obligation to treat everyone equally under the law and it is sad that we have for so long denied a portion of Hawaii's population civil rights. I am glad this Body, in the final hours of the Legislative Session, has found the strength and courage to do the right thing, to pass this bill, to grant equality to same-sex couples.

"Opponents of the bill frame their opposition in terms that are either inaccurate, incorrect, or misplaced. I would be remiss if I did not take this opportunity to respond to, and correct, statements made today in this Chamber by some of those opponents. Aside from the religious context from which many civil unions opponents draw their objections, there are other, more insidious oppositional talking points that are simply not accurate.

"The most common point made, in my opinion, refers the vote taken in 1998 to amend the Hawaii State Constitution. There appears to be a common misunderstanding about what exactly the question was that was put to voters. In that year, the question was put to the voters to add a section to Article I (Section 23) of the Hawaii State Constitution to read as follows:

> The Legislature shall have the power to reserve marriage to opposite-sex couples.

"While the belief may have been that the amendment defined marriage as exclusive to opposite-sex couples, as it clearly states, the amendment does nothing more than give the Legislature the exclusive domain over the definition of marriage. So while the Legislature has the authority to define marriage in this way, it has not to this day done so, thus leaving the question open. What's more, despite how this section may read, it does not excuse the State from granting equal rights and protections as defined in Article I, Section 2, Section 3, and Section 5.

"So, despite the cries from civil unions opponents that, "the people have already spoken on this issue," is in fact not correct. All the people did in 1998 was remove the authority on this issue of the Judicial Branch of the State and place is solely under the purview of the Legislature.

"As stated above, there is a common theme from opponents claiming the people of Hawaii voiced their opposition and that the Legislature should not be taking it up again. To this point there are two additional points of clarification that need to be addressed here. First, as my colleague Representative Chris Lee stated so clearly, there is a whole new generation of young people, who have come of voting age since 1998, who feel very differently about this issue than do the bill's opponents. Recent polls have consistently shown that large numbers, if not the vast majority, of young people support not only civil unions, but full marriage equality. For the opponents to insist the Legislature should be forever silent on this issue because of a vote taken more than a decade ago strongly suggests they intend to ignore the clear fact that the demographics in Hawaii have changed since 1998 and an entire generation of voters have come of age.

"I do not mean to suggest here that this issue should be posed to voters. The Hawaii State Constitution clearly gives the Legislature the duty and authority to protect the equal rights of Hawaii's people. What's more, as this is quite simply an issue of equal rights, the will of the majority should not be given a voice here. Never should the will of the majority be allowed to subjugate or deny equal rights to a minority group. As Thomas Jefferson said, in his first inaugural address, "Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression."

"Secondly, it is important to point out the difference between HB 444, which is a bill allowing for civil unions for same and opposite-sex couples, and marriage. The bill makes clear that marriage will remain the exclusive domain for opposite-sex couples, while only granting, through civil unions, all the rights, responsibilities, and privileges granted under the State's marriage statutes. The very first sentence in the bill makes this point abundantly clear:

> The intent of this measure is to recognize civil unions in Hawaii. By establishing the status of civil unions in our State, it is not the Legislature's intent to revise the definition or eligibility requirements of marriage under Chapter 572, Hawaii Revised Statutes.

"Additionally, HB 444 allows for opposite-sex couples to enter into a civil union, instead of marriage, should they choose to do so. The bill's supporters understand the notion of equality under the law, which is why they supported an amendment to include opposite-sex couples, in addition to same-sex couples, as being eligible to enter into a civil union.

"Finally, I want to address the religious aspects of the opposition's talking points. Article I, Section 4 of the Hawaii State Constitution is explicit regarding the "separation of church and state:"

> No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof….

"Despite what some may believe, or wish to be true, Hawaii is not a Christian State, nor a religious state of any kind and the Legislature should not and cannot make laws or deny rights protected by the Hawaii State Constitution simply because doing so might be contrary to the beliefs of some. It is also important here to point out that this bill would not, under any circumstances, abridge the free expression of religion by churches who chose not to perform ceremonies for same-sex couples. Churches and priests at such churches will not be forced by this, or any other law, to perform a religious ceremony that is contrary to their faith.

"In closing, I want to thank Majority Leader Blake Oshiro and Representative Jon Riki Karamatsu for refusing to give up on this issue and lifting HB 444 from the darkness of an indefinite deferral, where it was certain to have otherwise remained.

"I also urge Governor Linda Lingle to live up to her campaign promise and support equal rights by allowing this bill to become law, with or without her signature. Mahalo."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, I just would like to read a quick sentence and this is from the Waikiki Neighborhood Board when it adopted it's family equality resolution stating that civil unions have been recognized nationally and internationally as a compromise measure that protects a definition of marriage as being solely between a man and a woman while allowing family equality protection before the law for all couples whether they are same or opposite sex.

"On this issue, I have my personal beliefs. But I also have my beliefs that I think I need to take as a Representative for my district, and going

over a lot of information provided to me by constituents. That is truly why I support this measure. Thank you."

Representative M. Oshiro rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with some reservations. Just so that everyone knows, my reservation is with the current Senate Draft, section 3, civil unions void. I think that particular section that was put in as a floor amendment by the Senate is inartfully drafted and it may create problems of interpretation and application in the pursuit of this particular civil unions bill. I just would like to register that in a public forum.

"My other concern Mr. Speaker, is that this particular draft before us still contains the effective date of January 1st, 2010. I believe the Attorney General has already opined that in and of itself, it might not be a fatal defect, but it might give pause to the Governor to have a technical reason for vetoing this particular measure. Those are my two reservations.

"But the third point I think most important this evening Mr. Speaker, is to thank you and your leadership team for giving us the ability to take care of business this Session. And as your Finance Committee Chair, I told the community at large and I told this Caucus that first order of business was dealing with the $1.2 billion shortfall, and indeed we have completed that assignment and duty as of yesterday. So the timing of this matter is appropriate for us to take up this Session, and I thank you for giving me the indulgence to take care of business first with the budget, the budget bills, and to make sure we had a balanced financial plan. I thank you.

"I'd also like to thank the Majority Leader. Mr. Speaker, twice I had the privilege of serving as the Majority Leader of the Democratic Caucus and I know how hard he has worked in that position. How so many times he had to put aside his own interest, and his own passions, and his own vision of what Hawaii should look like. I really appreciate that because it takes a special person to be able to do it Mr. Speaker. It takes a very special individual. So I'm really proud to be associated with the Representative from Aiea who shares my same name, and just thank you Mr. Speaker and thank him for being here today."

Representative C. Lee rose and stated:

"Thank you, Mr. Speaker. In the last public vote back in the 1990's I was not yet old enough to vote. Yet today here I am and people who are 11 years younger than I are now able to. So for our generation, and it's on everyone's behalf who was not able to vote the last time around that I cast my vote today. Thank you."

Representative Awana rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Mizuno rose to speak in opposition to the measure, stating:

"Mr. Speaker, I stand in opposition to this motion. But I'd like to share a message to church members and to members in the gay community. Don't change your heart. Show a lot of respect and love to others, and no matter what happens it's going to be okay. Thank you, Mr. Speaker."

Representative Har rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Respectfully in opposition, and may I request permission to enter comments into the Journal."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB444, H.D.1, S.D. 1. By bringing this bill up with no warning to the public on the last day of the Legislative Session, I believe we are demonstrating that we are not listening to the voice of the people here in our State and are ignoring their overwhelming desire for us to focus on other issues this Legislative Session.

"I have heard from the constituents I represent in the 40th District, and it has been made very clear to me that the vast majority are opposed to this measure. Accordingly, I will cast a 'no' vote on this bill, as I believe I was sent here to represent the will of my constituents and not to pursue my own personal agenda. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 444 – Relating to Civil Unions. In this last minute action, the voices of a 70% majority were ignored.

"Second, throughout the 1990's, our community engaged in an emotional, decade-long debate over the legalization of same-sex marriage. The Legislature, for its part, had amended HRS§572-1 to clarify that marriage *"shall be only between a man and a woman[.]"* The Legislature also passed a Reciprocal Beneficiary law where it expressly found that *"the people of Hawaii choose to preserve the tradition of marriage as a unique social institution based upon the committed union of one man and one woman."*

"Ultimately, the decision was put to the public in the form of a constitutional amendment. On November 3, 1998, the people of Hawai'i overwhelmingly made their voice clear on this matter and decided that "the Legislature shall have the power to reserve marriage to opposite-sex couples." Hi. Const. 1-23.

"In July of 1997, the Legislature enacted the Reciprocal Beneficiaries law (Act 383) providing reciprocal beneficiaries with hospital visitation, insurance benefits and property and inheritance rights. This bill is unnecessary.

"When a controversial law such as H.B. 444 comes to this Body we must look to the people of Hawaii for guidance and take into account what they have to say. To find out what the people of Hawaii have to say on H.B. 444 we need not look any further than their vote in 1998 on this very same issue, where an overwhelming 70 percent of Hawaii's voters voted in favor of traditional marriage. As elected members of the State of Hawaii Legislature, it is our responsibility to uphold past electorate decisions. Our State and country are facing an economic crisis of epic proportions. We should focus on solving our pressing economic problems rather than using our limited resources to redefine marriage contrary to the express will of the people. Thank you."

Representative Yamane rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamane's written remarks are as follows:

"Mr. Speaker, I rise in opposition. I would like to state that I do support the civil rights for all people and express that I have personally worked with many people who do support this measure. As a social worker, I have fought discrimination and worked with clients dealing with the hate and persecution of others.

"My opposition is that this bill will affect many families and all of the population within our State. Mr. Speaker, to recognize civil unions in our State is a significant social issue, one that should be brought to the people of our State to decide and vote on. In 1998, the State Legislature set precedence on the issues pertaining to civil unions and marriage by allowing the people to vote. Since the people voted on an issue similar to this in 1998, I believe that the people should be provided the same opportunity to vote on this measure. I fully support allowing all people equal protection under our Constitution. However, in respect to the 1998 vote made by our electorate, I believe that the term "marriage" should remain as is and separate from the description of a civil union.

"Additionally Mr. Speaker, I would like to state for the record that this bill has a flawed effective date establishing that this policy begin and become effective on January 1, 2010. Members, we are all aware that a policy like this, House Bill 444, will bring significant changes to our society. Today we are well passed the January 1, 2010 date this bill refers

to. Passing significant legislation with this retroactive effective date will pose a myriad of problems for our State and further pressure our already limited State resources.

"Mr. Speaker, as the Chair of the Committee on Health, I along with my Committee members oversee the administration of the State Department of Health. A policy like this will need an effective date several months from now to enable the Department of Health to administratively prepare the legal documentation and procedures to legally recognize and implement civil unions in this State. To establish a law with such a significant social impact using this current effective date as written would overload the Department, especially during a time when the Department of Health has suffered from layoffs and furloughs.

"There is much anger and confusion on what this bill does and how it passed both of the houses of this Legislature; and today because of this overt anger, confusion, and haste action, I vote in opposition to this measure. I look forward to the opportunity to hear from our communities and discuss what needs to be done in order to equally protect all of our populations under our Constitution."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support HB 444. As I wrote in remarks to the House Journal last Session, whether or not we personally believe that same sex relationships are consistent with our moral or religious beliefs, we cannot ignore the fact that we have gay and lesbian neighbors in same-sex relationships in the communities we live in. I appreciate that two-thirds of my colleagues on both sides of the aisle are giving all of us an opportunity to bring this matter to a final, open vote by suspending the rules and bringing HB 444 back for a vote.

"As my Big Island colleague and fellow freshman legislator points out, we swore an oath to uphold the Hawaii State Constitution which enshrines and echoes the words of our country's Founding Fathers: that all Hawaii residents are created equal and entitled to certain "inalienable rights": "the enjoyment of life, liberty and the pursuit of happiness." Haw. Const. Art. I, Sec. 2. Further, our Constitution also requires: "Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section." Haw. Const. Art. I, Sec. 3.

"I still support this bill, as amended by the Senate to extend Civil Unions to all couples, for human compassion and social justice reasons. I remain convinced that encouraging all our citizens to form marital relationships – even if we must call them something else, and even as we continue to limit the legal term "marriage" and the federal and state rights and obligations associated with marriage to opposite sex couples in Hawaii law – is sound public policy and consistent with our shared history as Americans and our basic American value of equal justice under the law and fair application of our laws.

"As my West Maui colleague has pointed out, for all the hand-wringing and rhetoric about preserving "traditional marriage," too many enter marriage lightly in our country today. As I've observed before, preventing same gender legal relationships has little to do with determining or influencing whether a person's heterosexual marriage is succeeding or not. I believe in marriage and the values of devotion, fidelity and commitment inherent in the relationship. But I know that the strength of my relationship with my spouse depends more on how well I relate to her and the time I spend with her than how my neighbor relates to his or her own significant others. If we want to talk about protecting marriage, we need to work on issues that strain our relationships – an economy that requires both partners and parents to work and often to work two or more jobs, a culture that values narcissism and acquisition and living beyond our means and the means of our islands to support that lifestyle, and an assumption that we need to and can blame others for the problems we face in our own lives.

"As I suggested last Session, marriage benefits our society precisely because any civil benefits conferred on couples are conditioned upon the solemn promises of spouses to mutually meet very specific responsibilities to each other. Marriage is a sacrifice of our individualism and our personal selfishness – in my religious tradition, we believe that marriage unites two people as one. I certainly believe that remains good for people to be in relationships to love, honor and respect each other, and where there are socially enforced and legally supported rights and obligations.

"The late William Sloane Coffin once observed:

> It is not Scripture that creates hostility to homosexuality, but rather hostility to homosexuals that prompts some Christians to recite a few sentences from Paul and retain passages from an otherwise discarded Old Testament law code. In abolishing slavery and in ordaining women we've gone beyond biblical literalism. It's time we did the same with gays and lesbians. The problem is not how to reconcile homosexuality with scriptural passages that condemn it, but rather how to reconcile the rejection and punishment of homosexuals with the love of Christ. It can't be done. So instead of harping on what's "natural," let's talk of what's "normal," what operates according to the norm. For Christians the norm is Christ's love. If people can show the tenderness and constancy in caring that honors Christ's love, what matters their sexual orientation? Shouldn't a relationship be judged by its inner worth rather than by its outer appearance?

William Sloane Coffin, Credo: 39 (2004). Further, "[t]he assertion that gays threaten to destroy heterosexual marriage is an assertion only, not an argument. If anyone destroys marriage, it's married people, not gays." W.S. Coffin, Credo, p. 41.

"So I am compelled to vote in favor of letting people make a legal commitment to the person they love. I know that the success of my own marriage will continue to depend on the love I pour into it more than whether we as a community, and today as a Legislature, exclude other citizens from entering into a similar kind of union.

"I urge my colleagues to vote in favor of equality and fairness, and in favor of the bill."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"Mr. Speaker, I am in support of this bill. I believe it is time for us to move forward. If we fail to act, if we fail to pass this bill, we will allow the State government to continue to discriminate against one minority group in violation of our State Constitution, a Hawaii Supreme Court case, and our commitment to treat people equally under the law. And as I have heard from many constituents, if this bill does not become law, the State will cause some families and some children to be treated differently, to be discriminated against and given fewer rights, simply because of who they are and what people in their family may believe.

"There have been and continue to be many inaccurate statements about this bill. For that reason, I want to emphasize the following: this bill does not sanction marriage or define marriage to allow for same sex couples. Currently, in the State, marriage is between a man and a woman. This bill does not change that.

"This bill simply makes clear that the State government will not sanction unequal treatment of people. The government will not grant special privileges to only some people, based on their sex, sexual orientation, race, ethnicity, or religion.

"This bill, like so many, is not perfect. It is a compromise bill. This issue has divided families, churches, communities, and the House itself. My job, however, is not to just vote on the easy, uncontroversial bills. My job is to represent my constituents and vote my conscience.

"Mr. Speaker, we are about to make a very important vote and policy decision. I am proud and very privileged to be here for this vote, and to

show my willingness to stand up against discrimination. Though some will claim the bill does not go far enough, and others will rally because it goes too far, I believe time will show us that this is the right bill to pass, and it is past due.

"Mahalo Mr. Speaker, and Majority Leader, for allowing us to take this vote."

Representative M. Lee rose in support of the measure and asked that the remarks of Representative Marumoto be entered into the Journal as her own and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support. We did not plan to be voting on this today, however that we are doing so is the right thing to do.

"I voted in favor of HB444 in the past because I see no reason why same gender couples should not have the same access to equal rights and quality of life as others.

"I see this as a good thing for our society, which seems to have changing attitudes on issues such as civil unions. My own four children support civil unions and would be proud of my positive vote.

"Stable relationships lead to a healthy society and this is one step in that direction. I believe we live in a state where we can be tolerant and respectful of each other's rights, even though there may be differences in our race, religion, culture, age or sexual identity."

Representative Sagum rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB444, Relating to Civil Unions. We live in a State where we can, and should be tolerant and respectful of each others' rights, even though there may be differences in our race, religion, culture, age or sexual identity. The issue of Civil Unions, to a great number in my community, is not viewed solely as a civil rights issue, but rather perceived negatively as one that erodes the sanctity of marriage, and therefore the erosion of the family.

"During the Regular Session of 1997, the Hawaii Revised Statues was amended with the addition of a new Chapter entitled "Reciprocal Benefits". The purpose of this Chapter is to extend certain rights and benefits which are available only to married couples composed of two individuals who are legally prohibited from marrying under State law.

"I would prefer that the Legislature address any additional "Civil Union" rights and benefits by strengthening the reciprocal benefits law cited in Act 383, Session Laws 1997."

Representative Coffman rose and stated:

"Thank you Mr. Speaker, I just want to remind this Body that our Constitution states that our government must treat all individuals equally and fairly. I just want to quote one part of the Constitution, Article I of the Bill of Rights in Section 3 of the Hawaii State Constitution states and I'm going to quote, 'Equality of rights under the law shall not be denied or abridged by the state on account of sex. The Legislature shall have the power to enforce by appropriate legislation the provisions of this section,' and I believe that's what we're doing today, Mr. Speaker. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and may I request that my remarks from the first go around last year be inserted as my remarks. Thank you," and the Chair "so ordered." (By reference only.)

Representative Manahan rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Nakashima rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of this important, landmark legislation.

"One of the guiding principles of our nation and State is that all people are created equal. In order for this sentiment to truly be demonstrated, all people should be treated the same in the eyes of the law. This important legislation ensures that all people, regardless of sexual orientation, have access to the same rights and privileges. This bill is not a statement of support or opposition of same sex marriage; it simply creates a new chapter within the law that recognizes the commitment between two people, regardless of gender.

"I would like to thank our Majority Leader, the good representative from the 33rd District, who has worked tirelessly towards achieving equal rights for all couples.

"Thank you, Mr. Speaker. I urge you and the rest of our colleagues to support this measure."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition with my comments from Third Reading in the House last year," and the Chair "so ordered." (By reference only.)

Representative Berg rose in support of the measure and asked that the remarks of Representatives Marumoto and Coffman be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and may I have my words from the last motion entered into the Journal again, and also the words of the Representative from Waikiki."

Representative Ward rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting these additional written comments in opposition to HB 444, Relating to Civil Unions. My opposition is multi-faceted, and I will explain each of my reasons in detail. However, ultimately, I believe this legislation is not in the best interest of the State of Hawaii and its citizens, and I encourage the Governor to veto this measure when it comes to her desk.

"The first reason for my opposition is a legal concern that this bill allows civil unions, but does not allow for their dissolution. The bill as written purports to grant partners to a civil union all of the "rights, benefits, protections, and responsibilities under law [...] pursuant to chapter 572," which is the chapter in the Hawaii Revised Statute that deals with marriage. However, nothing under Chapter 572, nor this bill, accounts for how to leave a civil union. For a marriage solemnized under Chapter 572, Chapter 580 would be the chapter that deals with annulment or divorce. There is no such reference or provision in House Bill 444, House Draft 1, Senate Draft 1 (HB 444).

"The bill, therefore, presumes a faulty premise, that partners in a civil union choose to, and will, stay in that civil union forever. Reality is that marriages and civil unions or reciprocal beneficiaries change and dissolve over time. A granting of rights, such as envisioned under HB 444, would

have the unintended consequence of making permanent certain choices under this law.

"For instance, the granting of rights under Chapter 572 would allow partners in a civil union to have survivorship rights in a State pension. Because there is no grounds for the termination of the civil union, a surviving civil union partner would be entitled to the decedent's State pension benefit, even if the surviving partner had a falling out, or did not want their partner to vest in that benefit. A similar situation would occur under our State's workers' compensation laws as well.

"Another legal conflict comes about because of the lack of federal recognition of civil unions as equivalent to marriage, especially in the tax law area. Partners in a civil union could, in theory, take advantage of our State's probate and intestate laws to bequeath assets to their surviving partner as if they were a surviving spouse. If those assets comprise a taxable estate, while the property may pass, the federal government would still impose a federal estate tax (post-2010) and not grant a marital deduction as would be available to married couples.

"A different type of federal conflict may arise in the health benefits arena. The federal government is a large employer within the State, and it is probable that a federal employee that is a resident of Hawaii would likely wish to extend federal health benefits to a partner in a civil union, especially if the other partner is unemployed. Because the federal government does not recognize civil unions, the federal employee may not be able to accomplish securing health benefits for their partner.

"Another major concern is the January 1, 2010 effective date of the legislation which means HB 444 will have retroactive effect. While the constitutional defectiveness of such an effective date can be debated, what is clear is that the retroactive date of the bill will pose an administrative nightmare for the Department of Health.

"First, the Department of Health is not ready to implement HB 444 nor has funding been set aside for this function. Forms will have to be reprinted to accommodate this new law, both for the persons seeking to join in a civil union and those having to receive licenses to solemnize civil unions.

"Second, the Department of Health will have to administer a retroactive law, something any Department would be ill equipped to do. Record keeping and cataloging would become nearly impossible, and would likely require extra manpower to accommodate. If anything, the Department of Health has less manpower than in the last fiscal biennium due to furloughs imposed by the Governor, and agreed to by the Legislature.

"Third, there would likely be a rush to enter into civil unions because, quite frankly, it is a better deal than the reciprocal beneficiary law as it is currently written. That rush would exacerbate the first two points under this section due to those dissolving a reciprocal beneficiary arrangement, which requires paperwork processed by the Department of Health, and entering into a civil union, which also requires yet-to-be created paperwork by the Department of Health. Because the costs of HB 444 were not taken into account when appropriations were made for the Department of Health, the cost of implementing HB 444 through the Department of Health would have to be done with existing resources, meaning other Department of Health functions would have to suffer.

"Another financial concern is that those that enter into a civil union will now be able to avail themselves of the State income tax advantages that are currently available to married persons. This represents a heretofore unknown negative revenue impact to personal income tax levels.

"Because this was not incorporated into the Executive's 6 year Financial Plan, the House Minority Caucus' Financial Plan, nor the nonexistent Majority Caucus' Financial Plan, there is no way to know how much HB 444 would throw the balances of the out years out of whack. In other words, HB 444 may necessitate a general excise tax increase, continuation of Furlough Fridays, further program cuts, or a combination of all three.

"This is clearly an unacceptable outcome that was exacerbated by the fact that HB 444 was not referred to the House Finance Committee or the Senate Ways and Means committee to determine the fiscal impact of such legislation. In a year where critical attention needed to be paid to the State Budget, where every decision by both Chambers and the Executive Branch was scrutinized and criticized, to not comment or hold public hearing or even to ask what the fiscal impact of HB 444 would be on the State Budget is the height of irresponsibility, and borders on a dereliction of the legislative duty.

"Yet another financial concern is that those that enter into a civil union where at least one partner is an employee of the State or a county could now avail themselves of health benefits under the Employer-Union Health Benefits Trust Fund (EUTF), representing an additional cost to the EUTF. On April 12, 2010, a letter was transmitted to the Chairs of the House Committee on Labor & Public Employment and the Senate Committee on Labor, with courtesy copies to the Speaker of the House and the Senate President, detailing the insolvency of the EUTF. In that letter, it is clearly stated that because of the current governance situation, the State will be unable to provide medical benefits to its employees in the near future.

"Implementation of HB 444 will only exacerbate and accelerate the demise of the EUTF, and health benefits for State employees whether they belong to a civil union or not. This is also an unacceptable outcome.

"Furthermore, the same situation faced by EUTF will be faced by our private employers. Due to our Prepaid Health Care Act, a partner in a civil union will now be able to secure family insurance from their private employer. This will represent an unknown and unbudgeted cost impact for private employers, the backbone of our economy. The policy call of this Legislature and the Executive branch was to help private employers as a means of addressing unemployment and helping resuscitate our economy. That was the reason for such measures as the bill to relieve the pending unemployment insurance increases faced by private employers. Implementation of HB 444 would simply eradicate any savings created through that bill, and would once again exacerbate unemployment in the private sector due to increased health care costs.

"Again, these financial concerns should have been brought to the Finance Committee for review. In the last two years on Finance Committee, we have reviewed everything from tax increases, to land zoning, to jet ski permits because it was the practice of this Legislature in a time of economic crisis to be extra careful about any bill with a fiscal impact. Yet, this bill which changes so much more than the renewal of a jet ski license never got a finance hearing. I can only assume that the single referral of this bill to the Judiciary committee was done to avoid public hearings and speed up the passage of the bill which is shameful for a Body that is supposed to represent the people of Hawaii.

"Of course, the single referral of HB 444 is just one among the many manipulative and deceptive actions taken by Members of the House of Representatives to pass this bill. In January, when we tabled HB 444 we were told that it would take a 2/3 majority to bring the bill back to the Floor. According to the rules, it should have taken a 2/3 majority, but as I have since realized, it only takes a simple majority to change the rules. Mr. Speaker, aside from the neglect of public notice and other rules that were suspended to pass HB 444, I strongly object to the change in the number of votes required to bring this measure to the floor. Regardless of the subject matter of the bill, I believe it sets a bad precedent for other governing bodies who can now say if you don't have the votes all you have to do is change (i.e. "suspend") the rules. Mr. Speaker, this action goes against the very principles of democracy and undermines the faith that the citizens of Hawaii have in their Legislature. It is unthinkable that a rule-making body would show such little respect for their own rules.

"Mr. Speaker, HB 444 is a monumental bill regardless of which side you view it from. This Legislature should not have broken its House Rules and rushed a bill with obvious flaws through the legislative process. We should have given it much more time in the public eye. Increased hearings and more public notice would have taken up our time as legislators, but it is what we are elected to do. But, unfortunately, HB 444 has revealed that the majority of this Body is content to neglect their duties when it is most beneficial for their political careers. At the beginning of this Session, HB 444 was killed silently by a vote that did not tell the public where their Representatives stood on this issue. At the time, it was said that no one

wanted to take a vote in an election year, and thus, the public was left not knowing where their elected officials stood on the issue. Now, the public knows where each of us stands, and they can act accordingly.

"In light of my arguments outlined above, particularly in regard to the neglect this Body has shown toward democracy and the citizens to whom we swore we would uphold the principles of democracy, I am reminded of the words in the Declaration of Independence which state that "it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness."

"Mr. Speaker, we have let down the people of Hawaii and the democratic process. If the people of Hawaii want the contents of HB444 to become law, we should ask them again in a plebiscite on the issue instead of doing what we did in the 2010 Legislative Session. Let the people be the final arbitrator of this decision, not us. We are all up for reelection this year so the plebiscite will be on us instead - and if what we did this session no longer represents the will of the people, it is the right and duty of the people to change those who represent them.

"Thank you, Mr. Speaker for this opportunity to add written comments."

Representative M. Oshiro rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 444, Senate Draft 1, Relating to Civil Unions, although with some reservations.

"This bill would recognize, and establish the status of civil unions in Hawaii, and entitle persons who enter into a civil union the same rights, benefits, protections, and responsibilities under law as are granted to those who contract, obtain a license, and are solemnized under Hawaii's marriage law.

"Although I support the intent and purpose of this bill, I have some reservations on the particular language found in the Senate Draft 1.

"First, regarding §-3, found on page 2, this section would void civil unions between persons who are related to one another. It should be noted that under Hawaii's Reciprocal Beneficiaries Law, Chapter 572C, Hawaii Revised Statutes, related persons are not prohibited from entering into a reciprocal beneficiary relationship. Pursuant to Act 383, Session Laws of Hawaii 1997, the Legislature asserted that related persons such as a mother and son, or father and daughter, or brother and sister, who are prohibited from marriage would still receive some of the benefits of marriage, but not all, to support their caring relationships. It was recognized that in Hawaii many generations of families typically provide lifelong care and companionship to their aging parents and siblings and this practice was valued by our society and deserved the protection and support of State laws. Conceivably, under House Bill No. 444, Senate Draft 1, persons who are related and are in a reciprocal beneficiary relationship would be prohibited from entering into a civil union relationship under this bill.

"My concern is that should a related couple in a reciprocal beneficiary relationship be barred from entering into a civil union, one could argue that this prohibition denies the related couple equal protection under the law because of the couple's familial relationship. To deny the equal protection of law on the basis of one's "creed" would invoke strict scrutiny upon challenge and require a compelling state interest to allow the restriction to stand. I cannot imagine a compelling state interest that could overcome that burden and therefore, the enactment of this bill could potentially set the entire Civil Union law up for constitutional challenge. After all, if we remove the irrelevant issues of sexual conduct and practice from the discussion of equal rights for all of Hawaii citizens one would be challenged to find a compelling reason for this distinction based upon one's familial relationship and standing.

"I find it ironic that in this measure to address the civil rights of same sex couples we may be passing legislation supporting discrimination against and seemingly condoning the unequal status of reciprocal beneficiaries whose relationships prohibit them from marriage. And, truth be told, this may not be a mere academic exercise or hypothetical question for a constitutional law exam. According to the Department of Health, there are currently about 1,300 persons registered in reciprocal beneficiary relationships in Hawaii. Presumably many are between persons of the same-sex, but there are probably others between child and parent, or sibling. The Department of Health does not keep records of the gender composition of the reciprocal beneficiaries, but it would not be unreasonable to have a substantial number of non-same-sex partners affected by this new law. As such, I find this provision inconsistent with the fundamental principle of equal protection and equal treatment under our laws. Future Legislatures should review and reconcile the provisions of Section 572C, Hawaii Revised Statutes, with the provisions of House Bill No. 444, Senate Draft 1, so that it comports with the equal protection provisions of both the State and Federal Constitutions.

"Second, regarding the effective date of January 1, 2010, the Attorney General has already opined that making this law retroactive to the beginning of this year may give sufficient cause for the Governor to veto this bill on technical grounds. In particular, I adopt as my own remarks and for placement herein the Floor remarks of Senator Les Ihara dated January 22, 2010, wherein he eloquently articulated the legal concerns regarding the Attorney General's opinion and the Attorney General's unsolicited commentary on whether Governor Lingle would veto the measure. It is truly unfortunate that the amendment failed by a 15 to 10 vote, and we in the House did not take up a similar amendment as it would have foreclosed a technical excuse for a Governor's veto and taken away an excuse of taking a position on the important underlying public policy issue.

"Despite these concerns, I support this bill.

"I am reminded of the words of U.S. Supreme Court Justice Sandra O'Conner, who wrote in *Lawrence v. Texas*, 539 U.S. 558 (2003):

"Moral disapproval of a group cannot be a legitimate governmental interest under the Equal Protection Clause because legal classifications must not be 'drawn for the purpose of disadvantaging the group burdened by the law.' Id., at 633. Texas' invocation of moral disapproval as a legitimate state interest proves nothing more than Texas' desire to criminalize homosexual sodomy. But the Equal Protection Clause prevents a State from creating 'a classification of persons undertaken for its own sake.' Id., at 635. And because Texas so rarely enforces its sodomy law as applied to private, consensual acts, the law serves more as a statement of dislike and disapproval against homosexuals than as a tool to stop criminal behavior. The Texas sodomy law 'raise[s] the inevitable inference that the disadvantage imposed is born of animosity toward the class of person affected." Id., at 634."

"I believe this House is applying this same principle through the passage of House Bill No. 444, Senate Draft 1. We are standing on the principle that moral disapproval alone cannot, should not, and will not be reason enough to deny any group of citizens the equal protection of our laws. In other words, whether one accepts or detest same-sex relationships in all its variations or opposite-sex relationships in all its variations as well, the laws of the land must be applied equally regardless of race, age, religion, or creed. To do otherwise condones the removal of basic rights from any minority whenever the views or actions are not in line with that of the majority.

"Our laws are intended to treat everyone equally -- especially for those who are unpopular or even detested. Can we imagine that at one time in our Nation, it was illegal to marry across racial lines? Less than fifty years ago, an African-American and Caucasian could not marry in some states. Indeed, if Hawaii had a law like this, President Obama would not have been born.

"As absurd and unthinkable as these laws were by today's standards, they were the laws of the land and these laws were deemed constitutional

by the Nation's highest court. These were the laws that denied thousands of people their fundamental right to enter into personal relationships. Today, laws which restrict the benefits of "marriage" to only opposite-sex couples do nothing more than allow the majority to impose their animosity toward a smaller class of persons with whom they disapprove. With the passage of House Bill No. 444, Senate Draft 1, we are correcting this discrepancy for the protection of all.

"In closing, it is with great respect and admiration for the Speaker of the House and the Majority Leader that I so reluctantly cast my vote with reservations. But, my concerns with this measure are well known within the Body and are but my honest legal analysis and opinion. I have not one iota of displeasure at the means employed to bring this bill to vote nor of the timing of this bill's passage and disapproval for it being approved today should not in any way be inferred by my friendly criticism and candid remarks. To the contrary, I applaud and congratulate the Speaker and Majority Leader for allowing a public vote on this contentious and divisive issue, but only after the Supplemental Budget bill was unanimously passed and relevant revenue bills were resoundingly approved over the Governor's vetoes. Despite the odds and detractors, we held true to our mission and principals. This is a great day for all of us.

"Finally, I wish to reaffirm my commitment to my Wahiawa community and especially my Christian brothers and sisters, that they not be anxious or alarmed by the vote that I cast this day. I have cast my vote after much prayer and meditation. I have found that peace that surpasses all understanding and accept what God has planned for me. Truth be told, any threat to any notions of traditional marriage comes from within the body and not without. This vote today and the consternation it causes among some believers says more about the well being of the church than granting equal rights to Gay couples. Consider that about one-half of marriages end in divorce and many of us "Baby-Boomers" know of many households where single parents are raising families. These are the facts of life and I don't foresee granting Civil Union status to change this one bit. Gays want to enter into lifelong commitments and be bound to each other "to death do us part." And, we all know devout members of our own churches, both Catholics and Born-Again Christians, who have been divorced and remarried. And, for the most part, we get over it, accept their new marriage, and try to love them unconditionally, although some Christians do not accept persons who remarry. In their eyes, those who remarry commit adultery. Since I have remarried, in the eyes of some, my wife and I are living in sin and should be stoned to death. And lastly, my study of the Bible has not yielded any passage where Jesus condemns homosexual conduct, but he did strongly condemn the scribes and Pharisees as hypocrites in Matthew 23.

"Moreover, how can we reconcile the fact that in Hawaii we sanction a marriage between a convicted rapist, spouse-abuser, murderer, child-support scofflaw, or child molester, while we may deny legal Civil Union status to same-sex couples? Does this make any sense? Is this fair and just? All of these members of our community can get married and enjoy all the privileges, rights, and benefits, but for a class of citizens with certain sexual orientations we treat them as second class. Indeed, let us be careful that we not "point out the splinter in our brother's eye while failing to see the blinding plank in our own." (Matthew 7:1-5). And, let us not forget for one moment that we are each to "work out our salvation with fear and trembling; for it is God who is a work in you, both to will and to work for His good pleasure." (Philippians 2:12-13). Certainly, "Hatred stirs up strife, but love covers all transgressions."(Proverbs 10:12).

"Think about it. What same-sex couples seek are lifetime commitments, stable partnerships between two people, and exclusive physical companionship and monogamy. They simply seek what we all espouse for our own marriages and our sincere hope for all newlyweds. They simply want what we want and what they value is what we value -- a monogamous relationship between two persons based upon mutual respect, devotion, filial piety, and unconditional love.

"Mr. Speaker, I must also ask my brothers and sisters in Christ Jesus that they not be further led astray by what you may read or hear from the pulpit and among the pews over the next several weeks and months. Remember, that we are to "render onto Caesar that which is Caesar" and the legal rights and benefits of Civil Unions does not concern itself with marriage. Anyone who says that it does is not telling the truth. For Civil Unions does not impose upon any religious faith or religious practice or religious tradition, but is a secular contractual arrangement that provides the same burdens and benefits of marriage.

"Nor does Civil Unions demand or require that the holy sacrament of the marriage ceremony be used in solemnizing the Civil Union. Whether any religious order or faith or branch or denomination chooses to conduct such ceremony is left to the discretion of that particular church, denomination, temple, or synagogue, but none is mandated in the law.

"For these aforementioned reasons, I stand in support of this measure with reservations on legal aspects of the bill, but with wholehearted and unrestrained endorsement of the equal protection constitutional provisions therein."

Representative Bertram rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Bertram's written remarks are as follows:

"I rise to speak in favor of HB 444. This bill extends the same rights, benefits, protections, and responsibilities of spouses in a marriage to partners in a civil union. Thank you."

At this time the Chair called for a roll call vote and the motion that H.B. No. 444, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," pass Final Reading, was put to vote by the Chair and carried on the following show of Ayes and Noes:

Ayes, 31: Belatti, Berg, Bertram, Brower, Cabanilla, Carroll, Chong, Coffman, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Marumoto, McKelvey, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Rhoads, Saiki, Say, Shimabukuro, Takumi, Thielen, Wakai, Wooley and Yamashita.

Noes, 20: Aquino, Awana, Chang, Ching, Choy, Evans, Finnegan, Har, Ito, Magaoay, Manahan, Mizuno, Pine, Sagum, Souki, Takai, Tokioka, Tsuji, Ward and Yamane.

At 5:09 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 444, HD 1, SD 1

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 276 and 277) were announced by the Clerk and the following action taken:

H.R. No. 276, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO PERFORM AND CARRY OUT ANY OFFICIAL LEGISLATIVE BUSINESS DURING THE INTERIM BETWEEN THE 2010 AND 2011 REGULAR SESSIONS," was jointly offered by Representatives B. Oshiro and Finnegan.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 276 was adopted.

H.R. No. 277, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Magaoay.

On motion by Representative B. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 277 was adopted.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, yesterday we saluted our colleagues who are going on to bigger and better things. Representatives Karamatsu, Berg, Wakai and Magaoay and those who haven't announced who may be doing announcements. We send our best to them. And I wanted to thank the women in this House, the women in this Caucus, and the women in this building. I want you to know that I may be in the process of being the only male to lose his private bathroom because I have the pleasure of having these five ladies as my counsel.

"But lastly Mr. Speaker, and seriously, I'd like to pay tribute to the one lady who's going to end her eight year term. The one lady who's given her life and given her all as our Governor. I'd like to go on record as saying, thank you Governor Lingle for what you've done. Thank you for being at the helm of the 'ship of state,' and may the wind be at your back in the future. Thank you, Mr. Speaker."

Representative Har: "Thank you, Mr. Speaker. Members, today was a grueling day and it is *sine die*, but I want to ask you to please join me in wishing a very happy birthday to my esteemed Water, Land Chair. It has truly been an honor and pleasure working with him for the past two years. Please join me in wishing a happy birthday to Representative Ken Ito."

Speaker Say: "Representative Chris Lee, would you like to offer another happy birthday to your colleague to your right? Representative Joe Bertram."

Representative C. Lee: "Mr. Speaker, it gives me phenomenal pleasure to be able to stand up here and talk about my colleague who's been to my right these last few months. Mr. Bertram, Happy Birthday. He's 28 years old. Congratulations."

Speaker Say: "There was also another Member who had his birthday a few days ago, and I think we should all recognize our senior statesman, Speaker Emeritus Speaker Joe Souki on your birthday a few days ago."

At this time, the Chair delivered his remarks as follows:

"Members, thank you for your efforts during this past difficult Session. In January of 2009 in my Opening Day speech, and again in my January of 2010 Opening Day speech, I laid upon us certain challenges. Members for the most part, you answered those challenges. This great recession made our jobs very, very difficult. We made many hard decisions that disappointed, frustrated and even angered certain people. We however, were forced to make those tough decisions because of the dismal economic and budgetary situation.

"If you recall during the 2009 Session, we along with the Senate and Governor closed a $2.1 billion budget deficit. During this 2010 Session we again with the Senate and the Governor closed another $1.2 billion budget gap. I am proud of this House because we accomplished this without increasing the general excise tax, without increasing income taxes on the middle class and the lower income families, and for our Neighbor Island colleagues, without scooping the counties' share of the hotel tax, which surely would have led to real property tax increases. History for me I believe, will show that we together with the Senate and the Governor bore the burdens of this great recession we are in.

"Although we had our disagreements, I enjoyed the disagreements on the Floor of this House and the lively debate on issues. We all participated in the legislative process with good faith, with the public good foremost in our mind, and a sense of responsibility for our actions.

"There is one thing I would like to note. In addition to acting responsibly, we mounted a tremendous challenge against the special interest groups. This is the first time in history, for me that is, that we crossed over to the Senate various revenue enhancement bills targeted at the special interests in order to avoid a broad-based regressive tax increase. For the first time in my 34 years we forced into Conference Committee a bill to take away certain general excise tax exemptions for those special interests. For me that was a significant unprecedented step even though, shucks, the bill did not pass. Let us take pride for having acted responsibly and having acted against the special interests to support once more, the ordinary taxpayers.

"We could not have done this without help and I'd like to thank our staff: the House Chief Clerk's Office, Pat, CJ, Denise. Our Sergeant-at-Arms, Mr. Kevin Kuroda, Mr. Lon Paresa and their staff. The House Majority Staff, Ms. Linda Oamilda, and our two chief legal counsels, Mr. Jim Funaki and Mr. Richard Dvonch. The House Minority Research, Boyd. Where are you Boyd? He's hiding, Malia? Okay. The Legislative Reference Bureau, Ken Takayama and Charlotte Carter-Yamauchi. The Auditor's Office, Marion Higa and her staff. And finally to all of you, the Capitol TV. And also thank you very much to the House Majority and Minority leadership teams.

"Thank you to Finance Committee Chair Marcus Oshiro, Vice-Chair Marilyn Lee and all the other Committee members. You did the most important and hardest work of the Session and I commend you, the Chair and Vice-Chair and the Committee members in getting your pictures in the paper on a full page ad this morning.

"Finally I would like to especially thank the Majority Leader, Blake Oshiro. Yes, I disappointed him tremendously in the beginning of Session and I regret that tremendously. Yet he continued to perform his duties with his usual diligence, competence and effectiveness. He was someone I could rely on. Someone with whom I could speak freely with. Someone I could trust without a doubt. In sum, he is someone more than merely a co-worker for all of us. We all consider Blake a true friend. Blake, please stand.

"I also forgot to mention our House Leadership, Vice Speaker Mike Magaoay, Majority Floor Leader Cindy Evans, and our Majority Whip Representative Pono Chong. And Lynn, Kym, Cynthia, Corinne, Barbara, and Gene, thank you very much for all you have contributed to the people of the State of Hawaii.

"And so as part of our ritual here in the State House of Representatives, I'd like to recognize four individuals who will be leaving this illustrious Body, The State House which represents our *'aina*.

"The first individual I'd like to recognize is Representative Glenn Wakai. Glenn, would you please stand? Representative Glenn Wakai, your work to improve Hawaii's economy and to foster better ties with our friends in the Pacific Island Nations has raised awareness of the importance of both endeavors. We know that the two issues are intrinsically linked, and we look forward to further developing those relationships as a result of your efforts.

"Representative Magaoay, please present this gavel to Representative Wakai and Representative Wakai, please say a few words."

Representative Wakai gave his farewell remarks as follows:

"Thank you, Mr. Speaker. I will drill down my farewell speech into a three-minute news live shot. The winds of change brought me to the State House of Representatives and those same winds are swirling around me again.

"In 2002, I needed a change. I had spent 11 years in the television news business. Journalism was fun. It certainly was an exciting profession. Reporters are given a front row seat to events that are big at the time, and today was certainly a case in point of the excitement and the awareness that they build in our community, but Journalists do not have a hand in directly changing anything. In fact, they're paid to keep their opinions out of stories.

"I knew I wanted to advocate for a better Hawaii and there was no more important place to do that and achieve that than right here in this building. I found great gratification here. It's been a pleasure to work with all of you to effect change in Hawaii that has made the Hawaii we have now and we'll have in the future so much brighter. We all share a desire to create a

better Hawaii, and although we have a different view on how to get there, at the end of the day we work collaboratively.

"I've enjoyed learning and the lively debate that takes place here every day. There are moments of frustration when good ideas seem to die away, and some questionable legislation moves on. But at the end of the Session a vast majority of the bills we have passed improve life for our neighbors. What I enjoyed most about being a part of the House is coming up with solutions to societal problems. Not just through legislation, but through bold and sometimes very creative solutions.

"In my first term, residents of Moanalua were squawking about feral chickens waking them up before the sun came up. Government really couldn't help them, so I got a trap from the Humane Society, dragged it up and down the hillside of Moanalua Valley, and over a five week period got rid of 21 chickens that were irritating neighbors.

"Tomorrow will be another tragic Furlough Friday. My staff Sharon, Dan, Beth and Tracy and I have turned that day of dread into Fantastic Fridays. Since January we've been giving middle school and high school kids opportunities to paint over graffiti, learn about alternative energy, learn about aquaculture and its role in our sustainable future. We're cultivating learning and civic responsibility in an otherwise unstructured day for our children.

"And as you mentioned at the top Mr. Speaker, one of my proudest accomplishments here has been the creation of a nonprofit that has taken surplus medical and educational supplies throughout the Pacific. We have done so for a number of years and Mr. Speaker, you've allowed me as well are Representative Berg to travel down to Micronesia to witness firsthand some of the struggles that those entities have to face. And I understand why Micronesians come here and tap $120 million out of our State budget. We often cry about the federal government not taking responsibility for this policy.

"But in 2005, we began by sending 20 boxes of medical supplies to American Samoa. Three weeks ago we sent two Matson containers to Pohnpei and another one to Kosrae. In five years, through a nonprofit that really was spawned by my role here in the State House, we sent more than $600,000 to our neighbors from the Marshall Islands all the way to Palau. It all began by identifying a problem and coming up with a sensible solution.

"Each of us has been given extraordinary powers by our constituents. Sometimes that power is squandered by those who believe the responsibilities begin and end simply in this Chamber. When I talk to children and I talk to them about what makes being a politician special? I tell them elected officials are like mutants. We're like characters in the X-Men. We are political mutants, we can choose to be with the good guys, Wolverine, Cyclops, Phoenix, those who fight for important causes. Or we can be politicians who side with those the likes of Magneto and Mystique and use their mutant abilities to empower themselves or their friends. These mutant powers are temporary. Each of us leases space here. None of us owns our office space. The public expects more from us and we should give them what they deserve.

"We work as a group of 51 in this Chamber. We also can change the world through the power of one. One visionary person with one desire to put the needs of others first. I would like to hearken back to last August when CJ Leong gave Pat Mau-Shimizu the greatest gift of all. CJ's kidney continues to clean Pat's blood. That is the greatest gift one human being can give to another. What a fantastic act of kindness. When we all pass, God is not going to care if we were Republicans or Democrats, or whether we're black of white. We will all be judged on what we did for others so let us be kind, generous and humble.

"I thank my constituents for giving me the opportunity to serve them. It is with profound sincerity that I thank all of you, all 51 of my colleagues for allowing me to be part of a wonderful process. I proudly leave this Chamber as the winds of change take me to a different place. Speaking live from the Floor of the House. Back to you, Mr. Speaker."

Speaker Say: "Thank you very much, and congratulations. The next individual, I think all of you have really seen him in the news lately, is Representative Jon Riki Karamatsu as the Chair of Judiciary. Jon, you have dealt with a high number of high profile, highly controversial issues. I realize that it hasn't been easy, but we're all glad you were up to the challenge and maintained your convictions in the midst of difficult times. To you, you have my sincere admiration and best wishes. Presenting his gavel is Majority Leader Blake Oshiro."

Representative Karamatsu gave his farewell remarks as follows:

"Mr. Speaker, it has been an honor for me to serve in the Hawaii House of Representatives. My eight years here has been a great experience. I have learned so much and met so many wonderful people. To become a politician is a dream come true for me. In 1996, I set my goals to make Hawaii and the United States a better place, most of which is the foundation of my political platform today. That year, I also created my logistical plan to run for the Hawaii State Legislature in 2002. Leading up to 2002, I served as Vice President of the Associated Students of the University of Hawaii at Manoa, participated in community organizations, served on the Pearl City Neighborhood Board, volunteered for political campaigns, and worked for legislators. After I graduated from the University of Hawaii at Manoa with a B.A. in political science in 1997, I went to Washington State where I graduated from Gonzaga University School of Law in 2001. I returned back to Hawaii that year and passed the Hawaii State Bar Association examination and received my law license.

"In 2002, I launched my campaign for the Hawaii House of Representatives, District 41, which encompasses Waipahu and its subdivisions of Waipahu Town, Waikele, Village Park, and Royal Kunia. I received no endorsements. One of my opponents was a well-know community leader, and she received most of the union endorsements. Another opponent was an insurance man, got endorsements from the business trades. All I had was the support of my family and my friends, most of which were a bunch of twenty-year-old kids. These family and friends are still the core of my campaign today. Some of them are here. With only about $13,500, we had a low budget campaign. I walked my district three times. Despite what many thought, we won that race.

"I was excited to begin my political career in the Hawaii House of Representatives. Before I met you Mr. Speaker, I had heard about you because of my grandpa, Maurice Karamatsu, who was really good friends with your father-in-law, Stephen Kotake. I had heard how my grandpa really liked you because you were so humble. Even with your college degree in Education, you worked as a busboy for a restaurant because you were loyal to the company. As you were my grandpa's friend, I pledged my loyalty to you. As soon as I met you, I knew everything felt right.

"When you asked me what Committee I wanted to be in, I responded that I wanted to be in the Economic Development & Business Concerns Committee. You told me, 'No. You should be in Tourism & Culture Committee. Your grandpa was in tourism. While at Duty Free, it is your grandpa who helped open the Japan market to Hawaii.' You often told me that. At that time, the Chair of the Tourism & Culture Committee was headed by the Representative from Hilo. In my freshman year I stumbled here and there, but I soon learned from the Representative from Hilo. It was during this time that we did a pretty big thing. We divided the tourism marketing contracts by regions of the world instead of one big contract. I found out that the Chair had so many friends, not only from Hawaii, but all over the world, especially Taiwan and China. He was more than a State Representative, but almost like that of a United States Senator. Everybody loved him. I learned not only how to be a Chairman of a Committee, but the importance of building friendships.

"In one of my early meetings as a freshman, I met the head of the Commission of the Status of Women, which was at risk of being eliminated by the newly elected Administration. At the end of the meeting, I committed to help protect the Commission, and I organized a letter with the support of the Women's Caucus and later the Administration backed off on trying to eliminate that Commission. Because of my stance on issues important to women, I was later invited to speak at the Women's Caucus press conference. In later years, I introduced bills that the caucus has supported. In 2006, I coordinated a donation drive for the Sex Abuse

Treatment Center and even got actor Daniel Dae Kim to volunteer and the television show *Lost* to donate their pilot show script so we could auction if off to get some funds for the cause.

"In 2003, I introduced a bill to give local filmmakers a discount at State film facilities. The State film office decided to give these discounts administratively, so we pulled back the legislation. So sometimes you can get them to do things without forcing it. In the second year of my freshman term, I passed a law that required the Department of Agriculture to authenticate Ni'ihau shell leis to empower the Ni'ihau shell lei makers and protect consumers from fraudulent sales using the Ni'ihau shell branding. I introduced a resolution asking the Department of Accounting and General Services to conduct a study on the cost of maintaining Aloha Stadium, versus building a new stadium. Their conclusion: renovating the stadium was more cost effective, something they are still in the process of doing. Also that year, I took an active role to help pass a bill that helped the airport concessionaires in re-negotiating their leases with the state because they were still suffering from the aftermath of the 9/11 attacks.

"However, I have to admit that I made a freshman mistake when I passed the bill mandating ethics training for State government officials. Everyone, including the Governor and her cabinet had to take this course. Some people were a little salty at me at that time. It was 'my bad.' I think actually it should be in the House Rules. I kind of joked around with the Ethics Commission that maybe we should repeal it. So if you guys are okay with it, you can repeal it.

"The 2004 elections were intense. I was targeted by the Republican Party with the Governor and Lieutenant Governor walking door-to-door in my community with their respective groups. I won re-election.

"In 2005, my biggest legislative idea was on creating a Kindergarten to 12th grade science and technology magnet school to prepare our children for Hawaii's knowledge-based economy. Although my bill did not pass, the following year I was pleased when the Governor made innovation in education a priority and we passed a bill that expanded learning in science, technology, engineering, and math for public schools.

"That year, as a Finance Committee member, I was assigned to many Committees. I was approached by the Representative from Upcountry Maui and also the former Representative from West Kauai, Bertha Kawakami, to help them on bills that would be harmful in what they thought was a little too lopsided against business. I helped both of them to address their concerns, but I took a lot of heat from certain Chairs. There was also miscommunication with a Senator on another Conference. I got yelled at by all three Chairs and even the Finance Chair at that time was upset. Back then, Bob Nakasone's office, for those of you who used to go there a lot, was like a haven. So I went there. And I went outside on the balcony and Mr. Speaker, you and Senate President were sitting on lawn chairs in the dark further down. You saw my frustration and told me to come to where you were. I sat by you on the concrete. Not too long later, Representative Bob Nakasone came out of his office and sat by me to the right. With all the pressure I was going through, I broke down and cried and explained that I was just trying to find balance on bills for this issue, as well as for dear friends Representative Bertha Kawakami and the Representative from Upcountry Maui. Your words of advice and Representative Nakasone's presence brought me comfort.

"Mr. Speaker time and time again, you have helped me in some of my toughest challenges. I remember in 2004, with the support of some of my closest colleagues, we voted against the Majority on a bill that would have negatively impacted research on State land. You told me, 'The State probably didn't know what happened tonight, but tonight when you go home, you will see how peaceful it is.'

"After the 2005 Legislative Session, Representative Ken Hiraki decided to leave the House of Representatives to take a position with Hawaiian Telcom, thus leaving that chairmanship open, and with your appointment with the Representative from Puna to that post, the Economic Development post was vacant, and you appointed me to that position, which I took extreme honor in you considering me. It was a dream Committee because I love that subject matter and it is one of my biggest goals to someday make Hawaii an economic power per capita.

"Mr. Speaker, at the 2006 Democratic Party of Hawaii Convention, I presented you my typed-out strategy to run for statewide office in 2010. The only other elected official I shared this plan with was Representative Bob Nakasone at that time. On the Saturday of that Convention, you hosted a number of our colleagues to a dinner at a Chinese restaurant. My friend Wayne Yagi was my driver that night. As we were leaving, I realized I didn't have my strategy with me. I told Wayne that I forgot something very important, and he told me 'Nah, you can look for it tomorrow.' I panicked, 'Wait, you don't understand. If someone finds my papers they'll know exactly what I'm going to do in 2010.' My strategy was so detailed, I had it done month by month. The next morning when I went to the Convention really tired, Mr. Speaker you and Senate President Bunda at that time, were chairing the Convention and you called a recess, walked down the stage and down the long aisle. You walked right up to me and pulled some papers from your back pocket and told me, 'You forgot something.' It was my strategy for my statewide 2010 campaign.

"In 2006, as Chair of the Economic Development & Business Concerns Committee, I went full blast. I introduced a bill to give tax credits for film production in Hawaii, 15% on Oahu, 20% on Neighbor Islands to make Hawaii competitive in the world to attract film projects, especially the huge Hollywood blockbuster movies. Together with the Representative from Hilo who was still Chair of the Tourism & Culture Committee, and the Senator from Makiki, my friend and former boss, we passed the companion bill which was a Senate Bill into law. That Legislative Session, I also passed a bill that expanded the Small Business Innovation Research Grants and the Small Business Technology Transfer Research Grants to maximize federal matching dollars to help Hawaii's start-up technology businesses."

Representative Ito rose to yield his time, and the Chair "so ordered."

Representative Karamatsu: "I also was fortunate in passing a bill floating $10 million in special purpose revenue bonds for Hoku Scientific, Inc., a local technology and renewable energy company to help build their facility in Kapolei. Further, I had a bill that included in the sexual assault law, 'the use of a substance in subjecting one to a sexual assault' to address the problems of date rape drugs. My bill was incorporated into an omnibus criminal bill that was passed into law.

"That year, as a result of a request by a number of Neighbor Island Representatives, Mr. Speaker, you asked me to help save the Island of Hawaii from a looming lawsuit regarding the Hokulia development on agricultural land. I had a land use bill carried over from the previous year. I placed an amendment inserting language that would grandfather the Hokulia development, thus protecting that project from the suit. That lawsuit was settled soon after.

"Mr. Speaker, you came up with the $100 million Innovation Fund bill, one of the biggest bills of 2006. This Fund was to be used for investments and grants for Hawaii science and technology companies. You told me to go with it. Returns on investment would go back into the Fund, and I tweaked the bill so that it would always have a corpus to collect interest to help replenish the Fund. During Conference, a little before midnight, the deadline for all Conference bills, you called me to go to Conference Room 309. I was in my office enjoying the evening with my friends. I told everyone, I had to go. It was show time. My staff and a number of my friends followed me out of the office with a good friend of mine filming with a video camera. We joined my Co-Chair from the Finance Committee, the Representative from Upcountry Maui. Our whole group entered Room 309, which was extremely packed with so many people overflowing, and for those of you who are new, it was a lot more packed than it was these past couple years.

"Our counterpart was then Ways & Means Chair, the Senator from Manoa and his co-chair was the Senator from Makiki. I threw over the House proposal. Later, the Senator threw over a different proposal. I looked at the Senate's version, and then looked at my friend, the Representative from Upcountry Maui. We had that look like, 'What the heck is this?' I called a recess. My Co-Chair and I exited the back door. We talked a little in the hallway with little time before the midnight deadline. I

said, 'Let's talk to Pono,' whose office was only a few feet away. After all, he was a former Ways and Means staffer and just plain brilliant.

"When we entered his office, the Representative from Enchanted Lake/Maunawili was sitting on the carpet of his office fixing or doing something. We looked at him on the ground. He looked up at us with that surprised look like, 'What in the world are you guys doing here?' I told him that we're in Conference. I think he replied sarcastically like, 'Uh yeah.' I told him that he needed to look at this CD1 and calculate the numbers as quick as you can. In what seemed like seconds, he explained that the numbers were smaller than what was agreed by Speaker and Senate President. I grabbed the CD1 and together with the Representative from Upcountry Maui, we went back into the Conference Room.

"The Ways and Means Chair asked us to agree to his proposal. In front of the crowd trying to listen what we were saying, I told him, 'No. We are sticking to the House position.' Time was ticking. Apparently this bill was tied to the Streamline Use and Sales Tax bill. With only minutes left on the clock, the Ways and Means Chair, a little disturbed, agreed to go with the House's position. We passed the Innovation Fund, as well as the Streamline Sales and Use Tax bill. On Final Reading, the House killed the Streamline Sales and Use Tax bill. In revenge, the Senate killed our Innovation Fund bill. Usually when the Senate finished earlier, which is always the case, they would come to the House, and the Speaker would recess so we could shake their hands. However, this time, when the Senate came over they couldn't get in because Mr. Speaker, you locked all the doors. I heard that some of the Senators were knocking on the door. I am still not sure if you were upset over the Innovation Fund or some other bill. Anyways, looking back, it was kind of funny.

"For 2007 Mr. Speaker, you asked me to be your Vice Speaker. After much thought, I joined your leadership team. That year, I was very fortunate with the help of all of you to pass the bill floating $10 million for Sopogy, Inc. to develop a solar farm at the Natural Energy Laboratory of Hawaii in Kona, which is already under construction. My memorable bill of that year was working with the Hongwanji's Young Buddhist Association in passing a law recognizing September 21 of each year as Peace Day to promote peace programs, improve international relations, and increase educational awareness of peace. I have chaired that event for the past three years.

"On October 16, 2007, I crashed my car, and called the police ..."

Speaker Say: "Representative Karamatsu, would you like to insert the rest of your speech in the Journal please? After that last statement."

Representative Karamatsu: "All right. I'll insert the rest into the Journal, but I'll just say the rest of the speech kind of summarize the last three years. The last four years. But I also included in my speech a lot of thanks for all of you because all these bills wouldn't have been passed without all of you. So my speech was to basically thank everyone and each of you for everything you've done.

"I also do want to mention some of my mentors that helped me: Senator Najo Yoshinaga was one who paved the way for me. The late Eric Maehara, a great attorney and friend. Senator Carol Fukunaga also helped me too. And really Mark Takai when I was younger, when I was a kid, he took me in his office and I learned how to run an office, detail by detail because of Mark Takai. Also campaigning. And I want to thank the Minority Caucus as well. Without you, there really isn't that much balance here so I'm glad there is some debate here with you. And I do have some written comments for kind words for all of you.

"And I want to thank the people of Waipahu for giving me the opportunity to represent them. To my dad Richard Karamatsu, my mom Laraine Karamatsu, my younger sister Mia Karamatsu, and my sister Lara Karamatsu for all their love and support.

"Also I want to thank my extended family, friends, and also my loved ones who passed away, all my ancestors. I'm grateful for all my staff, past and present, and I want to insert all their names into the Journal. Also to all the staff in government for all your work.

"Finally I appreciate every person who has touched my life and I would like to conclude with you, Mr. Speaker. After we die, some of our names will fade and some of our stories will be forgotten. However as politicians who truly love to serve, we will never die. We live on in the laws we pass, the programs we fund, and the infrastructure we appropriate. Most importantly, we live on in the souls we've touched. Thank you, very much."

Representative Karamatsu continued in his written remarks as follows:

"On October 16, 2007, I crashed my car, called the police, and was charged with DUI. As a result, I stepped down as Vice Speaker of the House. However, Mr. Speaker, you gave me the opportunity to be Vice Chairman under the Representative of Haiku Valley and Kaneohe, the Chairman of the Water, Land, and Ocean Resources, & Hawaiian Affairs Committee (Representative Ken Ito) who I would eventually declare as the founder of Itoism because of his deep philosophical thought. As his disciple, I was ready to take on a new realm of laws.

"In 2008, the Representative from Kaneohe (Representative Ken Ito) and I drew our swords and charged. Together with the other Representative from Hilo (Representative Clift Tsuji), the fighter of Coqui frogs, we passed a monumental bill that created incentives for the important agricultural lands classification, a 1978 constitutional mandate that had been unresolved for thirty years.

"We charged into another battle to resolve another 30-year issue in regards to the 1978 constitutional mandate of funding 20% of ceded lands revenues to the Office of Hawaiian Affairs. The Office of Hawaiian Affairs had been suing the State of Hawaii for years saying they are not receiving their share of funds. We moved a bill requiring the State to convey certain lands and make additional payments to the Office of Hawaiian Affairs; however, the Senate did not move on it when it reached them. Nonetheless, it was a good attempt to resolve the dispute.

"Further, in 2008, I passed a bill that required the government to better maintain records to prevent identity theft as was requested by the Identity Theft Task Force that I sat on for two years with the Senator from Makiki (Senator Carol Fukunaga). In addition, I passed a law prohibiting a towing company from charging the owner of a vehicle hooked up for towing if the owner of the vehicle appears on the scene. Further, I helped Sopogy, Inc. again by passing a bill floating $35 million in special purpose revenue bonds to help it with the development of a solar farm on Oahu. Lastly, I was able to get a $1 million appropriation inserted into the budget bill for beach restoration in resort areas that matches private funds.

"In the 2008 elections, I was at a low. I had a talk with Representative Bob Nakasone in his office. As usual, he asked, "So how's everything?" I told him everything was okay. He told me, "Don't forget your dream." I looked at him and said, "Rep. Nakasone, I don't know. I can't see past tomorrow." He stated again, "Jon, don't forget your dream." I looked up to him, smiled, and nodded. Those were the last words he told me. He was hardly in his office and I was campaigning like crazy, so we didn't get a chance to talk to each other again. Representative Nakasone passed away on December 7, 2008.

"My opponents attacked me on everything including my DUI. With the help of Calvin Azama, policy adviser of Speaker (Calvin K.Y. Say), who walked my district with me three times, I won the primary election and in the general election, I had the most votes in my career.

"Mr. Speaker, I entered 2009, honored to be your new Judiciary Committee Chairman. After going through some tough challenges, I was back a thousand times stronger. I introduced a package of bills to help retain doctors and lower medical liability insurance. I drafted the health information technology bill in hopes to bring all parties together to prepare Hawaii for $10 to $1 federal matching funds available in 2011 that will interconnect the computer networks of all of Hawaii's health providers. I created a bill that would protect our prime agricultural lands.

"In my goal to protect our public from harm, I passed legislation that created the criminal impersonation law and updated our harassment and stalking laws to include electronic communication. I also passed

legislation protecting our pet animals by allowing a temporary restraining order be extended to pet animals and ensuring our pet animals are humanely treated when placed in confinement. Further, I changed the joint and several liability tort laws to help our small professional design companies.

"Moreover, I enjoyed working with the Representative from Wahiawa, Chairman of the Finance Committee (Representative Marcus Oshiro) to ensure there was enough funding for the Judiciary Branch despite the bad economy.

"This year, 2010, I continued serving as your Judiciary Committee Chairman. With the economy continuing to be in bad shape, I searched for any cost savings for the State in the Judiciary budget besides cutting costs to programs and positions. I focused on ensuring there is enough funding for our specialty courts, which has been proven successful in turning individuals' lives around to be productive citizens rather than abusing illegal drugs or committing crimes, which not only betters our society but saves the state a lot of money.

"I also worked to pass the campaign finance bill that reorganizes the existing campaign finance provisions in the campaign finance laws, by dividing long sections into shorter sections with clear titles for quick reference and group laws on one subject together, among other things, and with a few substantive changes such as an inclusion of a new section to provide for transparency and to indicate that the campaign finance laws should be construed to support transparency.

"I passed a bill authorizing certified shorthand reporters to administer oaths and affirmations in the performance of their duties as deposition officers without the necessity of being notaries public, which will help make the process faster for this important service in our legal system.

"Another measure I passed revised laws prohibiting the cruel treatment of pet animals by specifying the standards of care that an owner must provide a pet animal, including the type of pet enclosure and under what conditions and when veterinary care must be provided but without affecting animals that are raised for food.

"In my term as Judiciary Committee Chairman, there were a number of issues that I worked on that did not pass but went very far in the Legislature, some on the brink of passage. Although such legislation may not have passed, it stirred discussion throughout the State of Hawaii. After all, the Legislature is where important issues get an opportunity to at least be discussed.

"My career in the Hawaii House of Representatives has been a good one. I thank the people of Waipahu for giving me the honor to represent them.

"Mr. Speaker, I want to thank you for all your love and support. You have been a great mentor for me. I want to thank my other mentors, the Representative from Hilo and our Higher Education Chair (Representative Jerry L. Chang) and the late Representative Bob Nakasone. I have sincere appreciation for my dear friends who provided support for me, the Representative from Kaneohe (Representative Ken Ito) who I shared many humorous conversations, the other Representative from Hilo (Representative Clift Tsuji) who I had many wonderful conversations, and the Representative from West Kauai (Representative Roland Sagum) who I enjoyed hanging out with, which helped me to relieve some of the stress I was going through. I sincerely appreciate all of your unconditional friendship.

"Thank you to the Vice Speaker (Representative Michael Magaoay), Majority Leader (Representative Blake Oshiro), Majority Floor Leader (Representative Cindy Evans), and Finance Chairman (Representative Marcus Oshiro) for supporting the Speaker and for your open leadership in this institution.

"I also want to say, "mahalo" to the other Representative from Kaneohe, our Majority Whip (Representative Pono Chong) and his partner in crime, the Representative from upcountry Maui (Representative Kyle Yamashita) for all our healthy policy discussions; Representative from Kalihi Valley who made me laugh as we talked about our experiences in politics, especially our experiences with the media; the Representative from Ewa Beach and lower Waipahu (Representative Rida Cabanilla) who has been very loyal to me; Representative from Pearl City-Aiea (Representative K. Mark Takai) who I learned the logistics of campaigning and managing an office; and the rest of the majority caucus, past and present, for and all the great memories.

"I also want to thank the Minority Caucus. I passed some of your bills too. I appreciate you bringing some balance in the Legislature.

"I want to send my thanks to several more mentors, Senator Carol Fukunanga for sharing her experience and network with me, the late State Senator Nadao "Najo" Yoshinaga who paved the way for me, and the late Eric Maehara, a great attorney and friend.

"I am grateful for all my staff throughout my legislative career. I also want to thank every person I have worked with in my political career.

"I want to especially thank my dad, Richard Karamatsu, mom, Laraine Karamatsu, younger sister Mia Karamatsu, and baby sister Lara Karamatsu for all their love and support. Thank you to my extended family and friends as well for all their love and support. I also send my appreciation to all my loved ones who passed away and all my ancestors. Finally, I appreciate every person who has touched my life.

"Mr. Speaker, after we die, some of our names will fade and some of our stories will be forgotten. However, as politicians who truly love to serve, we will never die. We live on in the laws we pass, the programs we fund, and the infrastructure we appropriate. Most importantly, we live on in the souls we've touched.

"Thank you."

Speaker Say: "Next we have the Vice Speaker, Representative Michael Magaoay. I feel the need to extend my personal thanks to you for helping me and the rest of leadership through the last two years. Your assistance in running our daily Floor sessions and attending to everything from legislation to policy, to working one-on-one with our Members has been a tremendous service. Thank you very much for being a part of our leadership team."

Representative Magaoay gave his farewell remarks as follows:

"Thank you Mr. Speaker, and colleagues. I will not copy what we just heard, but I have been really blessed to be here. I've been here for ten years. For me, coming to politics came about in the later part of my life. I came in at 47 because as a successful electrical engineer, I always told myself to give back to the community. I had been living in Mililani and decided to go back to Waialua where I was born and raised just after my son Michael was born. It was my father's first grandson so basically being a parent, I know Henry you're a new parent, but if this was your first grandchild, as soon as we moved to Waialua, my son did not sleep with my wife and I. He was with the grandparents all the time, sleeping with them.

"But the reason I mentioned that is because as you continue your life, your conviction has to be there for whoever you serve. The district that I have, District 46, it is a huge district. If you want to walk it, you talk about walking. You've got to walk from Del Monte, Kunia, all the way to Laie. It's a big district and you've got plenty of areas to go look at.

"But I've been blessed to be here because I'm part of the Class of 2001. And if you want to talk about debate, in the Class of 2001 we had 7 Republicans and we had 4 Democrats. Out of the Class of 2001 there are only two people here remaining and that's Representative Blake Oshiro and myself. And after this Session, I guess you'll have one. But during that time we had 12 existing Republican Representatives. We had Representative Marumoto and Representative Thielen and along the way you had new people come on board. But we had 19 Republicans. Talk about your Mason's Rules and all the procedures we had. You guys had it easy, because for every rule, there was a snag and we had to go run to our book, talk to Mr. Funaki and Mr. Dvonch as far as how do we counter.

What do we do? So you've got it easy, Representative Ward. That was hard. We had to take each procedure one at a time.

"I look at all of you as leaders and pillars of your various communities because times have changed. If you look around you, the shift is there. Come 2010, you have the census and the 2012 redistricting. There are going to be a lot of opportunities for you as you look at different doors in life. My door is kind of bittersweet because I've been with you for ten years, and I got to know the Speaker and everybody else. Your camaraderie and fellowship is really… There are no words to describe it because each of you is unique in your own way. You are all unique. This Capitol is so interesting because if you want to know what's going on in this Capitol, just go to the balcony on the Third or Fourth floor. Especially if there's a certain bill you're chasing. You see people running like mice or rats going to one office or the other.

"This institution. I know a lot of you are lax sometimes, and like to joke around. But we need to somehow maintain our decorum because I notice there's a lot of the younger generation coming in, and the question is, who wants to come here because of the pay. But I think it's the loyalty that you have within yourself, and your conviction that we look at. For me, like I said, it's bittersweet because I wasn't looking at leaving. It just happens that another door opened and he officially announced his retirement on the Senate side, so I'm looking at his seat. We have very good leaders in this district with Representative Marcus Oshiro and Representative Marilyn Lee. As for District 46, it's a wide district, but if you want exercise, there's a lot of time for you to walk.

"All I can say to all of you is we're all going to smell the roses, but today as we conclude, Blake Oshiro he was with me for 10 years and we grew. Everyone else in this Body grew too. We came through some rough times and I really appreciate your camaraderie Blake, because for you to pass something that I was always against, and with you pushing it, and we look at ourselves as leaders and what we can do, and what is best for the community. A lot of times it didn't happen, But this time, it happened. Back in 2001, I was the Vice Chair of Economic Development and we started Act 221. This year, now we suspend Act 221. So we have the life that we have.

"I just want to close by thanking everybody. Mr. Speaker, I can't thank everybody here because I don't want you all to be late for a certain function at 6:00 so that's the reason why. But I'd like to close with something that is always true to my heart because like I tell everybody here, life is so short. You have to pick your direction where you're going because you never know what tomorrow brings, and hopefully tomorrow comes and God willing, that you're still alive.

"But I want to read a quote from a famous gentleman named Winston Churchill, and it's an address he gave to the Harrow School of England 69 years ago. And it's something very short and sweet, but if you take it to heart, it'll probably help you. He says, 'Never give in, never give in, never, never, never, never - in nothing, great or small, large or petty - never give in except to convictions of honor and good sense.'

"So that's my challenge to all of you as you move forward, with your discernment, as you look at what transpired through the Session. It's going to be hard out there because there will be so many running for office. Like anything on a mango tree, we are at the bottom of the tree because people like to pick the plump prize which is always at the top.

"So I would like to say as you go out there, work hard, because you're out there to make a difference. Remember, always keep your head high. It really was a pleasure for me to work with all of you. Like the Speaker said, I want to thank all of the staff, and I want to say thank you, very much. *Mahalo nui loa* to all of you. Thank you."

Speaker Say: "Finally, our last colleague that will be leaving is Representative Lyla Berg. Lyla, your contributions to public education and your diligent work with the Education Chair, Roy Takumi, have shown a true caring for Hawaii's *keiki*. We often say that our children should be our number one priority, but you have lived to that motto and we thank you for doing so. Aloha and best wishes."

Representative Berg gave her farewell remarks as follows:

"Thank you Mr. Speaker, and thank you colleagues. I was cautioned by our colleague from Pearl City not to cry, and knowing me, you know that's impossible. When I called my son today to let him know this was the last day of Session and the last day of this role that I'm playing, he told me, 'Keep it short, Mom.' Probably neither of these two comments I can adhere to, but I will certainly be as concise as I can.

"I'm deeply grateful for what happened today and for the opportunity to be here with all of you. This morning when I got up I was so excited, it was like the first day of school, the first day of our Session as some of you remembered when you were freshmen. I was excited and nervous and a little anxious and frustrated and all of the emotions. And what I had to stop and think about on my way in is, what I was doing here and why I was so excited.

"Some of you know that my career in education led me to start Kids Voting Hawaii, to be a part of Project Citizen, to do everything I could to help our young people be part of the process. And when I decided to run for office in 2004, it was because my son said to me, 'Either shut up complaining Mom and run for office, or stop doing what you're doing.' And when a child says that, you know you have to follow.

"One of the things I've learned being here is how a bill becomes a law. And I also learned how the process works for a bill to become a law. I've learned to cope with frustration and disappointment. I've learned to appreciate the virtue of patience. I've learned how to sleep less, eat more, and laugh at things that I never thought were funny before. I've learned to understand things that I really had no way of understanding before. And right now as I move to the next place, I can assure you that what I have learned from each and every one of you will stay deeply in my heart.

"From the Education Chair I learned that you don't argue publicly with the Chair. You discuss things with him and in the final analysis when the vote comes in, you can vote against ice cream. He will call you at 10:00 however in the evening and say, 'Now what happened with that bill?' And that's what I hope that we will continue to have no matter what role we find ourselves in. We will all be involved in public service in some way. We are all connected and inextricably bound now after these few years together.

"One of my constituents called me the other day and she said, 'You know, you're such an enigma. I can't decide who you are.' She says 'You're a cross between Mother Teresa and Xena the Warrior Princess.' I would rather actually be likened with Madeleine Albright and being a statesman or stateswoman. But alas, I'm Miss Lyla, so when you're clicking your television channels or when you see me in public, the Representative from Hawaii Kai still calls me 'Miss Lyla.'

"Some of you know that I also do volunteer teaching in the summer time. I won't be teaching this summer, but I go to South Africa to work with principals and help them help their teachers in their schools as one of the largest emerging democracies on this planet. And one of the things I've learned from our colleagues in South Africa is the word *Ubuntu*, which in Zulu means, 'I am who I am because of who I am with you.'

"And so what I wanted to give you as a gift is the *'ōlelo no'eau* from our indigenous people and our ancestors here in Hawaii. Each of you has a purple card. These come from my card series. These are phrases from Mary Kawena Pukui, they're *'ōlelo no'eau* and perhaps it will guide you in the interim. Perhaps it will help to ease your heart as we leave this building today. Mine is translated as, 'peace and tranquility in the face of disturbance.' *La'i hauola i ke kai ma'oki'oki*.

"So as I leave you and the colleagues and all our colleagues for the next part of our journey and the next vignettes of our lives, I want to share with you one quote. There's a young woman, well I guess she's not so young anymore. Pia Zadora, maybe you've heard of her before. And in interviews she was asked, 'Pia, what's your life about?' And what she said is, 'I came to this place to live out loud,' and I invite all of you to live out loud.

"In the words of our esteemed colleague from Puna, *Maika'i ke akua, Mahalo ke akua, no ka pōmaika'i, i au ka kou ma kēia hana pono. Me ke aloha pumehana pauole.* My love is with you forever. Thank you, very much."

Representative Marumoto: "Mr. Speaker, I rise on a point of information. Would you or any of the Members give us a status report on the UH Men's Volleyball game against Stanford? It's very important. Go Bows."

Representative Chang: "Stanford won the first game 25-20."

Representative Cabanilla: "Thank you, Mr. Speaker. May I please be permitted to make a few comments. I would like to go on record to thank the first female Governor of the State of Hawaii. And I think that she did a very good job. She had a very tumultuous time in the latter half of her career as Governor, but I think by being a member of the Women's Caucus I want to acknowledge her services. Although I did not agree with her politics all the time, I admire her for her stamina in standing up for what she believed in. And I hope that with that service that she provided the State, that there will be more women to go to the Fifth Floor Mr. Speaker. We have proven that we could do the job. So I hope that we will promote more women to be in that role. Thank you, Mr. Speaker."

Speaker Say: "Before closing, there were some names I omitted that I should also recognize. Jacce, will you please stand, with the Majority Leader's office. Georgette Deemer with the House Majority Staff Office also. And for all of you, my two 'bodyguards' that always try to protect me, Mr. Azama and Mr. Takeshita. And for those State employees that work for the State House if I made any omission, I apologize if I did not recognize you or mention your names, but I hope I did in thanking them for a job well done in seeing us all through."

Representative Ching: "I just also wanted to thank one of the State employees that I meant to introduce earlier, if I may. It's Deputy Director Ken Kawahara of DLNR who has been very helpful not only in DLNR broad issues, but on historic preservations as well."

Representative Tokioka: "Thank you, Mr. Speaker. On that note as well, I think it's important for us to acknowledge all of the Department Heads from the Lingle Administration because many of them we may never see again in their capacity. Although we didn't always agree with them, I think many of them have shown true heart in all of the work that they did in helping us through this tough time. So on behalf of yourself Mr. Speaker and this House, I think we'd like to tell them how much we appreciate what they have done. Thank you."

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Thielen introduced her granddaughters: Ms. Emma Helper; and Ms. Natalie Helper, Co-Chair of the Gay Straight Alliance at Punahou School.

Representative Har introduced Councilman Nestor Garcia, City Budget Council Chair and former colleague.

Representative Berg introduced her staff, office manager Ms. Jen Wilbur, committee clerk Mr. Matt Prellberg, and legislative aide Ms. Marata Tamaira.

Representative Ward: "Mr. Speaker, there's one person who has a really thankless job in this Chamber and it's the most important job, and it's you. Could we have a round of applause for Speaker Say? Thank you Speaker, you deserve it."

Speaker Say: "No, no, no. Representative Blake Oshiro, let's go home. Thank you, to all of you."

ADJOURNMENT

Representative B. Oshiro moved that the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, adjourn Sine Die, seconded by Representative Finnegan.

The motion was put to vote by the Chair and carried, and at 6:07 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, adjourned Sine Die. (Representatives Bertram and Manahan were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 444, HD 1, SD 1
H.B. No. 921, HD 1, SD 2

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 1948, HD 1, SD 1, CD 1

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day adopted House Concurrent Resolution No. 297, SD 1, CD 1.

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered the following Bill heretofore vetoed as set forth in Governor's Message dated April 14, 2010, and approved said bills by an affirmative vote of two-thirds of all members of which the House is entitled:

H.B. No. 1868, HD 1

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered the following Bills heretofore vetoed as set forth in Governor's Messages dated April 22, 2010, and approved said bills by an affirmative vote of two-thirds of all members of which the House is entitled:

H.B. No. 1642, HD 1, SD 2, CD 1
S.B. No. 2394, HD 1
S.B. No. 2501, SD 1, HD 1

House Communication dated April 29, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered the following Bills heretofore vetoed as set forth in Governor's Messages dated April 25, 2010, and approved said bills by an affirmative vote of two-thirds of all members of which the House is entitled:

H.B. No. 2421, HD 2, SD 2, CD 1
H.B. No. 2085, HD 1, SD 2
H.B. No. 2086, HD 2, SD 2

H.B. No. 2866, HD 2, SD 1, CD 1
S.B. No. 2159, HD 1
S.B. No. 2650, SD 2, HD 2, CD 1
S.B. No. 2840, SD 2, HD 1

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 1642, HD 1, SD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated April 22, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 1642, HD 1, SD 2, CD 1, designated as Act 69 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 1868, HD 1, heretofore vetoed as set forth in a Governor's Message dated April 14, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 1868, HD 1, designated as Act 70 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2085, HD 1, SD 2, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 2085, HD 1, SD 2, designated as Act 71 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2086, HD 2, SD 2, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 2086, HD 2, SD 2, designated as Act 72 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2421, HD 2, SD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 2421, HD 2, SD 2, CD 1, designated as Act 73 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

House Communication dated April 30, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Governor Linda Lingle; and Ms. Myra Shozuya, Revisor of Statutes, Legislative Reference Bureau; transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered House Bill No. 2866, HD 1, SD 1, CD 1, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. In addition, a copy of House Bill No. 2866, HD 1, SD 1, CD 1, designated as Act 74 of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, was enclosed.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 659 through 668) were received by the Clerk:

Sen. Com. No. 659, transmitting H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 660, transmitting H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 661, transmitting H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, TO DEVELOP A PROGRAM TO ENCOURAGE BREASTFEEDING AMONG MOTHERS WHO RECEIVE MEDICAL ASSISTANCE FROM MEDICAID," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 662, transmitting H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 663, transmitting H.C.R. No. 199, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER CERTAIN FACTORS BEFORE ENTERING INTO CONTRACTS WITH MANAGED CARE ORGANIZATIONS THAT PROVIDE MEDICAID BENEFITS UNDER QUEST MANAGED CARE PLANS," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 664, transmitting H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND EVALUATE THE VERACITY, EXTENT, AND EFFECT OF CERTAIN ALLEGATIONS OF SHORTCOMINGS OF PROGRAMS FOR ADULTS WITH SPECIAL NEEDS," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 665, transmitting H.C.R. No. 297, SD 1, CD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE

DEVELOPMENT CAPACITY AND STEM INITIATIVES," which was adopted by the Senate on April 29, 2010.

Sen. Com. No. 666, dated April 29, 2010, informing the House that the Senate has this day overridden the Governor's veto by a two-thirds vote of all the members to which the Senate is entitled to the following bills:

H.B. No. 1642, HD 1, SD 2, CD 1
H.B. No. 1868, HD 1
H.B. No. 2085, HD 1, SD 2
H.B. No. 2086, HD 2, SD 2
H.B. No. 2421, HD 2, SD 2, CD 1
H.B. No. 2866, HD 1, SD 1, CD 1
S.B. No. 2159, HD 1
S.B. No. 2394, HD 1
S.B. No. 2501, SD 1, HD 1
S.B. No. 2650, SD 2, HD 2, CD 1
S.B. No. 2840, SD 2, HD 1

Sen. Com. No. 667, dated April 29, 2010, informing the House that the following bill has this day passed Final Reading:

S.B. No. 2646, SD 1, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES."

Sen. Com. No. 668, dated April 30, 2010, transmitting S.R. No. 126, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate

OTHER COMMUNICATIONS

Senate Communication dated May 5, 2010, transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2159, HD 1, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2159, HD 1, designated as Act 64 of the Twenty-fifth Legislature of the State of Hawaii, was enclosed.

Senate Communication dated May 5, 2010, transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2394, HD 1, heretofore vetoed as set forth in a Governor's Message dated April 22, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2394, HD 1, designated as Act 65 of the Twenty-fifth Legislature of the State of Hawaii, was enclosed.

Senate Communication dated May 5, 2010, transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2501, SD 1, HD 1, heretofore vetoed as set forth in a Governor's Message dated April 22, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2501, SD 1, HD 1, designated as Act 66 of the Twenty-fifth Legislature of the State of Hawaii, was enclosed.

Senate Communication dated May 5, 2010, transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2650, SD 2, HD 2, CD 1, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2650, SD 2, HD 2, CD 1, designated as Act 67 of the Twenty-fifth Legislature of the State of Hawaii, was enclosed.

Senate Communication dated May 5, 2010, transmitting a copy of the document certifying that on April 29, 2010, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Hawaii State Senate and the Hawaii State House of Representatives, reconsidered Senate Bill No. 2840, SD 2, HD 1, heretofore vetoed as set forth in a Governor's Message dated April 25, 2010, and approved said bill by an affirmative vote of two-thirds of the members to which each chamber is entitled. A copy of Senate Bill No. 2840, SD 2, HD 1, designated as Act 68 of the Twenty-fifth Legislature of the State of Hawaii, was enclosed.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT OF THE 2010 LEGISLATURE SINE DINE

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 287 through 470) were received by the Clerk:

Gov. Msg. No. 287, informing the House that on May 4, 2010, the following bill was signed into law:

H.B. No. 1862, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER." (ACT 075)

Gov. Msg. No. 288, informing the House that on May 4, 2010, the following bill was signed into law:

S.B. No. 2323, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY." (ACT 076)

Gov. Msg. No. 289, informing the House that on May 4, 2010, the following bill was signed into law:

S.B. No. 2409, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS." (ACT 077)

Gov. Msg. No. 290, informing the House that on May 5, 2010, the following bill was signed into law:

H.B. No. 2351, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS." (ACT 078)

Gov. Msg. No. 291, informing the House that on May 5, 2010, the following bill was signed into law:

S.B. No. 2172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL." (ACT 079)

Gov. Msg. No. 292, informing the House that on May 5, 2010, the following bill was signed into law:

S.B. No. 2544, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU." (ACT 080)

Gov. Msg. No. 293, informing the House that on May 6, 2010, the following bill was signed into law:

S.B. No. 2400, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS." (ACT 081)

Gov. Msg. No. 294, informing the House that on May 6, 2010, the following bill was signed into law:

H.B. No. 347, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 082)

Gov. Msg. No. 295, informing the House that on May 6, 2010, the following bill was signed into law:

H.B. No. 2604, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 083)

Gov. Msg. No. 296, informing the House that on May 7, 2010, the following bill was signed into law:

S.B. No. 2603, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT." (ACT 084)

Gov. Msg. No. 297, informing the House that on May 7, 2010, the following bill was signed into law:

S.B. No. 2449, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 085)

Gov. Msg. No. 298, informing the House that on May 7, 2010, the following bill was signed into law:

H.B. No. 2094, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH." (ACT 086)

Gov. Msg. No. 299, dated April 30, 2010, transmitting on behalf of the Information Privacy and Security Council, assigned to the Department of Accounting and General Services and chaired by the Comptroller, the report to comply with provisions of Act 10, SLH 2008.

Gov. Msg. No. 300, informing the House that on May 10, 2010, the following bill was signed into law:

S.B. No. 2702, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT." (ACT 087)

Gov. Msg. No. 301, informing the House that on May 10, 2010, the following bill was signed into law:

H.B. No. 1900, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL." (ACT 088)

Gov. Msg. No. 302, informing the House that on May 10, 2010, the following bill was signed into law:

S.B. No. 910, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES." (ACT 089)

Gov. Msg. No. 303, dated May 3, 2010, transmitting the Report from the Department of Transportation on Section 487J-4, Hawaii Revised Statutes, relating to a Social Security Number (SSN) Disclosure that occurred because of a document in the DOT's informational database.

Gov. Msg. No. 304, informing the House that on May 11, 2010, the following bill was signed into law:

S.B. No. 1230, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 090)

Gov. Msg. No. 305, informing the House that on May 11, 2010, the following bill was signed into law:

S.B. No. 2643, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX." (ACT 091)

Gov. Msg. No. 306, informing the House that on May 11, 2010, the following bill was signed into law:

H.B. No. 2016, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES." (ACT 092)

Gov. Msg. No. 307, informing the House that on May 11, 2010, the following bill was signed into law:

H.B. No. 1992, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT." (ACT 093)

Gov. Msg. No. 308, informing the House that on May 11, 2010, the following bill was signed into law:

S.B. No. 2691, SD 1, HD 1, CD 1 entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS." (ACT 094)

Gov. Msg. No. 309, informing the House that on May 11, 2010, the following bill was signed into law:

H.B. No. 1863, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION." (ACT 095)

Gov. Msg. No. 310, informing the House that on May 12, 2010, the following bill was signed into law:

S.B. No. 358, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS." (ACT 096)

Gov. Msg. No. 311, informing the House that on May 12, 2010, the following bill was signed into law:

S.B. No. 532, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY." (ACT 097)

Gov. Msg. No. 312, informing the House that on May 12, 2010, the following bill was signed into law:

S.B. No. 2661, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES." (ACT 098)

Gov. Msg. No. 313, informing the House that on May 12, 2010, the following bill was signed into law:

H.B. No. 2129, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI." (ACT 099)

Gov. Msg. No. 314, informing the House that on May 12, 2010, the following bill was signed into law:

S.B. No. 2937, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES." (ACT 100)

Gov. Msg. No. 315, informing the House that on May 12, 2010, the following bill was signed into law:

H.B. No. 2505, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE." (ACT 101)

Gov. Msg. No. 316, informing the House that on May 12, 2010, the following bill was signed into law:

S.B. No. 2187, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY." (ACT 102)

Gov. Msg. No. 317, informing the House that on May 12, 2010, the following bill was signed into law:

H.B. No. 2297, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES." (ACT 103)

Gov. Msg. No. 318, informing the House that on May 13, 2010, the following bill was signed into law:

H.B. No. 1190, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION." (ACT 104)

Gov. Msg. No. 319, informing the House that on May 13, 2010, the following bill was signed into law:

H.B. No. 1854, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 105)

Gov. Msg. No. 320, informing the House that on May 13, 2010, the following bill was signed into law:

S.B. No. 2395, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET." (ACT 106)

Gov. Msg. No. 321, informing the House that on May 13, 2010, the following bill was signed into law:

S.B. No. 2831, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE." (ACT 107)

Gov. Msg. No. 322, informing the House that on May 14, 2010, the following bill was signed into law:

S.B. No. 2601, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS." (ACT 108)

Gov. Msg. No. 323, informing the House that on May 14, 2010, the following bill was signed into law:

S.B. No. 2150, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION." (ACT 109)

Gov. Msg. No. 324, informing the House that on May 14, 2010, the following bill was signed into law:

H.B. No. 2721, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS." (ACT 110)

Gov. Msg. No. 325, informing the House that on May 17, 2010, the following bill was signed into law:

S.B. No. 2257, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS." (ACT 111)

Gov. Msg. No. 326, informing the House that on May 17, 2010, the following bill was signed into law:

H.B. No. 2594, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 112)

Gov. Msg. No. 327, informing the House that on May 17, 2010, the following bill was signed into law:

S.B. No. 2729, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION." (ACT 113)

Gov. Msg. No. 328, informing the House that on May 17, 2010, the following bill was signed into law:

H.B. No. 840, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARGING BY WRITTEN INFORMATION." (ACT 114)

Gov. Msg. No. 329, informing the House that on May 17, 2010, the following bill was signed into law:

S.B. No. 2371, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE." (ACT 115)

Gov. Msg. No. 330, dated April 23, 2010, transmitting the Department of Accounting and General Services report on Social Security number disclosure in accordance with Section 487J-4 Hawaii Revised Statutes.

Gov. Msg. No. 331, informing the House that on May 18, 2010, the following bill was signed into law:

S.B. No. 2697, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 116)

Gov. Msg. No. 332, informing the House that on May 18, 2010, the following bill was signed into law:

S.B. No. 2399, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS." (ACT 117)

Gov. Msg. No. 333, informing the House that on May 18, 2010, the following bill was signed into law:

S.B. No. 2054, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE." (ACT 118)

Gov. Msg. No. 334, informing the House that on May 18, 2010, the following bill was signed into law:

H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING." (ACT 119)

Gov. Msg. No. 335, informing the House that on May 18, 2010, the following bill was signed into law:

H.B. No. 2157, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES." (ACT 120)

Gov. Msg. No. 336, dated May 17, 2010, transmitting the Hawaii Health Systems Corporation Annual Financial Audit and Report to the Legislature pursuant to HRS Section 323F-22(a), (b), and (c).

Gov. Msg. No. 337, informing the House that on May 19, 2010, the following bill was signed into law:

S.B. No. 2220, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES." (ACT 121)

Gov. Msg. No. 338, informing the House that on May 19, 2010, the following bill was signed into law:

H.B. No. 1978, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING." (ACT 122)

Gov. Msg. No. 339, informing the House that on May 19, 2010, the following bill was signed into law:

S.B. No. 2745, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 123)

Gov. Msg. No. 340, informing the House that on May 19, 2010, the following bill was signed into law:

S.B. No. 2385, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 124)

Gov. Msg. No. 341, informing the House that on May 19, 2010, the following bill was signed into law:

S.B. No. 2811, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES." (ACT 125)

Gov. Msg. No. 342, informing the House that on May 20, 2010, the following bill was signed into law:

H.B. No. 2397, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS." (ACT 126)

Gov. Msg. No. 343, informing the House that on May 20, 2010, the following bill was signed into law:

S.B. No. 2825, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS." (ACT 127)

Gov. Msg. No. 344, informing the House that on May 20, 2010, the following bill was signed into law:

H.B. No. 1684, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES." (ACT 128)

Gov. Msg. No. 345, informing the House that on May 21, 2010, the following bill was signed into law:

S.B. No. 1062, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS." (ACT 129)

Gov. Msg. No. 346, informing the House that on May 21, 2010, the following bill was signed into law:

S.B. No. 2809, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION." (ACT 130)

Gov. Msg. No. 347, informing the House that on May 21, 2010, the following bill was signed into law:

S.B. No. 950, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS." (ACT 131)

Gov. Msg. No. 348, informing the House that on May 21, 2010, the following bill was signed into law:

H.B. No. 2000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 132)

Gov. Msg. No. 349, dated May 18, 2010, transmitting the Report to the Twenty-Fifth Legislature, State of Hawaii, 2010, Pursuant to H.C.R. 215, S.D. 1, Requesting the Department of Health to Review and Assess the Policies and Procedures Implemented by Hospitals to Reduce Elective Cesarean Sections and Induction of Labor.

Gov. Msg. No. 350, informing the House that on May 24, 2010, the following bill was signed into law:

H.B. No. 2575, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA." (ACT 133)

Gov. Msg. No. 351, informing the House that on May 24, 2010, the following bill was signed into law:

S.B. No. 930, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES." (ACT 134)

Gov. Msg. No. 352, informing the House that on May 24, 2010, the following bill was signed into law:

S.B. No. 2716, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT." (ACT 135)

Gov. Msg. No. 353, informing the House that on May 24, 2010, the following bill was signed into law:

H.B. No. 1987, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 136)

Gov. Msg. No. 354, informing the House that on May 24, 2010, the following bill was signed into law:

S.B. No. 2019, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING." (ACT 137)

Gov. Msg. No. 355, informing the House that on May 25, 2010, the following bill was signed into law:

S.B. No. 2806, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND." (ACT 138)

Gov. Msg. No. 356, informing the House that on May 25, 2010, the following bill was signed into law:

S.B. No. 2565, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION." (ACT 139)

Gov. Msg. No. 357, informing the House that on May 25, 2010, the following bill was signed into law:

S.B. No. 506, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 140)

Gov. Msg. No. 358, informing the House that on May 25, 2010, the following bill was signed into law:

S.B. No. 2105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS." (ACT 141)

Gov. Msg. No. 359, informing the House that on May 25, 2010, the following bill was signed into law:

H.B. No. 2831, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY." (ACT 142)

Gov. Msg. No. 360, informing the House that on May 25, 2010, the following bill was signed into law:

S.B. No. 2124, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND." (ACT 143)

Gov. Msg. No. 361, informing the House that on May 26, 2010, the following bill was signed into law:

S.B. No. 2589, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS." (ACT 144)

Gov. Msg. No. 362, informing the House that on May 27, 2010, the following bill was signed into law:

S.B. No. 2116, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES." (ACT 145)

Gov. Msg. No. 363, informing the House that on May 27, 2010, the following bill was signed into law:

H.B. No. 2349, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL." (ACT 146)

Gov. Msg. No. 364, informing the House that on May 28, 2010, the following bill was signed into law:

H.B. No. 2725, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS." (ACT 147)

Gov. Msg. No. 365, informing the House that on May 28, 2010, the following bill was signed into law:

S.B. No. 2169, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FINS." (ACT 148)

Gov. Msg. No. 366, informing the House that on May 28, 2010, the following bill was signed into law:

S.B. No. 2154, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS." (ACT 149)

Gov. Msg. No. 367, informing the House that on May 28, 2010, the following bill was signed into law:

S.B. No. 2607, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS." (ACT 150)

Gov. Msg. No. 368, informing the House that on May 28, 2010, the following bill was signed into law:

H.B. No. 2450, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES." (ACT 151)

Gov. Msg. No. 369, informing the House that on May 28, 2010, the following bill was signed into law:

H.B. No. 2631, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING." (ACT 152)

Gov. Msg. No. 370, informing the House that on June 1, 2010, the following bill was signed into law:

H.B. No. 2020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES." (ACT 153)

Gov. Msg. No. 371, informing the House that on June 1, 2010, the following bill was signed into law:

S.B. No. 633, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER." (ACT 154)

Gov. Msg. No. 372, informing the House that on June 1, 2010, the following bill was signed into law:

H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX." (ACT 155)

Gov. Msg. No. 373, informing the House that on June 1, 2010, the following bill was signed into law:

H.B. No. 2661, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS." (ACT 156)

Gov. Msg. No. 374, informing the House that on June 1, 2010, the following bill was signed into law:

S.B. No. 2599, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 157)

Gov. Msg. No. 375, informing the House that on June 2, 2010, the following bill was signed into law:

S.B. No. 2885, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS." (ACT 158)

Gov. Msg. No. 376, informing the House that on June 2, 2010, the following bill was signed into law:

H.B. No. 2676, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWE ISLAND RESERVE COMMISSION." (ACT 159)

Gov. Msg. No. 377, informing the House that on June 2, 2010, the following bill was signed into law:

H.B. No. 1808, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS." (ACT 160)

Gov. Msg. No. 378, informing the House that on June 2, 2010, the following bill was signed into law:

S.B. No. 2115, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS." (ACT 161)

Gov. Msg. No. 379, informing the House that on June 3, 2010, the following bill was signed into law:

S.B. No. 2472, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES." (ACT 162)

Gov. Msg. No. 380, informing the House that on June 3, 2010, the following bill was signed into law:

H.B. No. 2077, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 163)

Gov. Msg. No. 381, informing the House that on June 3, 2010, the following bill was signed into law:

S.B. No. 2859, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT." (ACT 164)

Gov. Msg. No. 382, dated June 3, 2010, transmitting the Report on the Fight Against Invasive Species for the period July 1, 2007 – June 30, 2009 as required pursuant to Act 213, Session Laws of Hawaii 2007.

Gov. Msg. No. 383, dated June 3, 2010, transmitting the Annual Report as required by Act 100, Session Laws of Hawaii 1999.

Gov. Msg. No. 384, informing the House that on June 8, 2010, the following bill was signed into law:

S.B. No. 2441, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES." (ACT 165)

Gov. Msg. No. 385, transmitting his statement of objections to S.B. No. 2401, SD 1, HD 1, as follows:

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2401, entitled "A Bill for an Act Relating to State Finances," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2401 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JAMES R. AIONA, JR., Acting Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2401 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 9th day of
June, 2010.

/s/ James R. Aiona, Jr.
JAMES R. AIONA, JR.
Acting Governor of Hawaii"

"EXECUTIVE CHAMBERS
HONOLULU
June 9, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2401

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2401, entitled "A Bill for an Act Relating to State Finances."

The purpose of this bill is to suspend claims for the High Technology Business Investment Tax Credit and the Technology Infrastructure Tax Credit for tax years 2010, 2011 and 2012.

This measure is objectionable because it negatively impacts Hawaii's economy and makes it more difficult to sustain our current efforts to recover. It may not achieve its purpose of generating revenues to cover the state budget shortfall, and the bill may impact the state's future credit worthiness ratings.

First, this bill negatively impacts Hawaii's economy and business climate by increasing the uncertainty of doing business in the State. In 2009, Hawaii was ranked forty-second in the nation in an assessment of its state business climate by the Small Business and Entrepreneurship Council. This measure would continue to perpetuate that perception by making Hawaii's tax law unfriendly to businesses and investors.

Investors and businesses make decisions to hire, expand or start up a company based on assessments of the risks and rewards involved. One of the factors examined is the government's tax and regulatory structure. When government policies change with little notice or rationale, businesses become wary because they are no longer able to assess the future risks of putting money into Hawaii. The fact that this bill would change the tax credit rules retroactively, implies people who put capital in Hawaii can no longer trust the State Government to keep its word. This is bad economic policy and bad public policy.

Second, this bill may not actually generate revenue as stated in the committee report for the H.D. 1 version of this measure. Rather the measure would delay a total of $168,400,000 in state financial obligations to fiscal years 2013-2014 and 2014-2015. Because a number of investors and businesses have already stated their intent to challenge this measure in court if it becomes law, their additional tax payments under this measure will likely be transferred to the Litigated Claims Fund until all matters are resolved. As such, it is highly uncertain whether the revenues from this measure can be counted toward the financial plan, since there is a possibility that revenues will not be deposited into the general fund as expected in fiscal years 2010-2011, 2011-2012, and 2012-2013, when the budget shortfall is most severe.

Finally, while Moody's maintained Hawaii's Aa2 rating on approximately $4,700,000,000 in outstanding general obligation bonds this past February, the agency also revised the outlook on those bonds from stable to negative. One of the reasons for that revision is "Hawaii's narrowed financial operations as underscored by significantly lower reserve levels and payment deferrals," as well as "out-year structural gaps due to one-time solutions already incorporated in the enacted budget." This bill adds $168 million to that future structural gap by delaying our tax credit obligations. As such it could negatively impact the assessment of Hawaii's credit worthiness by adding to the payment deferrals of the State.

For the foregoing reasons, I am returning Senate Bill No. 2401 without my approval.

Respectfully,
/s/ James R. Aiona, Jr.
JAMES R. AIONA, JR.
Acting Governor of Hawaii"

Gov. Msg. No. 386, informing the House that on June 14, 2010, the following bill was signed into law:

S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." (ACT 166)

Gov. Msg. No. 387, informing the House that on June 15, 2010, the following bill was signed into law:

H.B. No. 2486, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 167)

Gov. Msg. No. 388, dated June 21, 2010, transmitting 39 proclamations giving notice to the House of the Governor's plans to return the following bills with her objections:

H.B. No. 415, HD2, SD2, CD1	A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.
H.B. No. 444, HD1, SD1	A BILL FOR AN ACT RELATING TO CIVIL UNIONS.
H.B. No. 865, HD1, SD1, CD1	A BILL FOR AN ACT RELATING TO TRANSPORTATION.
H.B. No. 921, HD1, SD2	A BILL FOR AN ACT RELATING TO PUBLIC LANDS.
H.B. No. 1015, HD1, SD2, CD1	A BILL FOR AN ACT RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TRUST FUND.
H.B. No. 1212, HD1, SD1, CD1	A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES.
H.B. No. 1665, HD1, SD2, CD1	A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS.
H.B. No. 1907, HD1, SD1, CD1	A BILL FOR AN ACT RELATING TO TAXATION.
H.B. No. 2083, HD1, SD2	A BILL FOR AN ACT RELATING TO MILK LABELING.
H.B. No. 2133, HD1, SD1, CD1	A BILL FOR AN ACT RELATING TO PROCUREMENT.
H.B. No. 2152, HD1, SD1	A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES
H.B. No. 2239, SD2, CD1	A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.
H.B. No. 2283, HD2, SD1, CD1	A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT.
H.B. No. 2289, HD2, SD1, CD1	A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES.
H.B. No. 2318, HD2, SD1, CD1	A BILL FOR AN ACT RELATING TO THE HOMELESS.
H.B. No. 2377, HD3, SD2, CD1	A BILL FOR AN ACT RELATING TO EDUCATION.
H.B. No. 2441, HD2, SD2, CD1	A BILL FOR AN ACT RELATING TO PROCUREMENT.
H.B. No. 2497, SD1, CD1	A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS.
H.B. No. 2583, SD2, CD1	A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS.
H.B. No. 2644, HD2, SD2, CD1	A BILL FOR AN ACT RELATING TO SOLID WASTE.
H.B. No. 2708, HD1, SD1	A BILL FOR AN ACT RELATING TO TRANSPORTATION.
H.B. No. 2774, HD2, SD2, CD1	A BILL FOR AN ACT RELATING TO HUMAN SERVICES.
S.B. No. 1105, SD2, HD1, CD1	A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES.
S.B. No. 2001, SD1, HD1	A BILL FOR AN ACT RELATING TO TAXATION.
S.B. No. 2020, HD2, CD1	A BILL FOR AN ACT RELATING TO REAL PROPERTY.
S.B. No. 2045, SD1, HD1, CD1	A BILL FOR AN ACT RELATING TO CRIME.
S.B. No. 2165, SD1, HD2, CD1	A BILL FOR AN ACT RELATING TO PRIVATE GUARDS.
S.B. No. 2324, SD2, HD2, CD1	A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS.
S.B. No. 2434, SD1, HD1, CD1	A BILL FOR AN ACT RELATING TO SALARIES.
S.B. No. 2473, SD1, HD2, CD1	A BILL FOR AN ACT RELATING TO HOUSING.
S.B. No. 2491, SD2, HD1, CD1	A BILL FOR AN ACT RELATING TO TELEMEDICINE.
S.B. No. 2534, SD2, HD1, CD1	A BILL FOR AN ACT RELATING TO BAIL.
S.B. No. 2547, SD1, HD1	A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS.
S.B. No. 2566, HD2, CD1	A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS.
S.B. No. 2610, HD1, CD1	A BILL FOR AN ACT RELATING TO CONVEYANCE TAX.
S.B. No. 2849, SD2, HD1, CD1	A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND.
S.B. No. 2883, SD1, HD2, CD1	A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES.

S.B. No. 2919, SD1, HD1, CD1 — A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL.

S.B. No. 2951, SD2, HD2, CD1 — A BILL FOR AN ACT RELATING TO AGRICULTURE.

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 415, entitled "A Bill for an Act Relating to Public Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 415, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 415 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 444, entitled "A Bill for an Act Relating to Civil Unions," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 444, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 444 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 865, entitled "A Bill for an Act Relating to Transportation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 865, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 865 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 921, entitled "A Bill for an Act Relating to Public Lands," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 921, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 921 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1015, entitled "A Bill for an Act Relating to Obligations of the Department of Hawaiian Home Lands Trust Fund," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1015, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1015 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1212, entitled "A Bill for an Act Relating to Information Practices," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1212, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1212 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1665, entitled "A Bill for an Act Relating to Hawaiian Fishponds," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1665, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1665 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1907, entitled "A Bill for an Act Relating to Taxation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1907, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1907 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2083, entitled "A Bill for an Act Relating to Milk Labeling," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2083, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2083 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of

June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2133, entitled "A Bill for an Act Relating to Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2133, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2133 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2152, entitled "A Bill for an Act Relating to Building Design for Persons With Disabilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2152, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2152 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2239, entitled "A Bill for an Act Relating to the Deposit Beverage Container Program," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2239, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2239 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2283, entitled "A Bill for an Act Relating to Public Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2283, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2283 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2289, entitled "A Bill for an Act Relating to Gift Certificates," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2289, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2289 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2318, entitled "A Bill for an Act Relating to the Homeless," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2318, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2318 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2377, entitled "A Bill for an Act Relating to Education," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2377, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2377 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2441, entitled "A Bill for an Act Relating to Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2441, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2441 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2497, entitled "A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2497, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2497 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2583, entitled "A Bill for an Act Relating to Impounded Vessels," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2583, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2583 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2644, entitled "A Bill for an Act Relating to Solid Waste," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2644, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2644 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2708, entitled "A Bill for an Act Relating to Transportation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2708, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2708 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2774, entitled "A Bill for an Act Relating to Human Services," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2774, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2774 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1105, entitled "A Bill for an Act Relating to Legislative Hearings and Procedures," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1105, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1105 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2001, entitled "A Bill for an Act Relating to Taxation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2001, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2001 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2020, entitled "A Bill for an Act Relating to Real Property," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2020, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2020 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2045, entitled "A Bill for an Act Relating to Crime," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2045, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2045 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2165, entitled "A Bill for an Act Relating to Private Guards," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2165, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2165 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2324, entitled "A Bill for an Act Relating to Unemployment Insurance Benefits," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2324, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2324 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2434, entitled "A Bill for an Act Relating to Salaries," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2434, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2434 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2473, entitled "A Bill for an Act Relating to Housing," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2473, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2473 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2491, entitled "A Bill for an Act Relating to Telemedicine," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2491, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2491 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2534, entitled "A Bill for an Act Relating to Bail," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2534, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2534 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2547, entitled "A Bill for an Act Relating to Small Boat Harbors," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2547, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2547 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2566, entitled "A Bill for an Act Relating to Medical and Rehabilitation Benefits," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2566, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2566 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2610, entitled "A Bill for an Act Relating to Conveyance Tax," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2610, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2610 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2849, entitled "A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2849, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2849 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2883, entitled "A Bill for an Act Relating to Employment Practices," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2883, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2883 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2919, entitled "A Bill for an Act Relating to the Hawaii State Hospital," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2919, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2919 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2951, entitled "A Bill for an Act Relating to Agriculture," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2951, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2951 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 21st day of
June, 2010.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 389, informing the House that on June 22, 2010, the following bill was signed into law:

H.B. No. 2503, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT." (ACT 168)

Gov. Msg. No. 390, informing the House that on June 22, 2010, the following bill was signed into law:

H.B. No. 2288, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES." (ACT 169)

Gov. Msg. No. 391, informing the House that on June 22, 2010, the following bill was signed into law:

S.B. No. 1059, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 170)

Gov. Msg. No. 392, informing the House that on June 23, 2010, the following bill was signed into law:

H.B. No. 1948, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 171)

Gov. Msg. No. 393, informing the House that on June 23, 2010, the following bill was signed into law:

H.B. No. 2775, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 172)

Gov. Msg. No. 394, informing the House that on June 23, 2010, the following bill was signed into law:

S.B. No. 2523, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS." (ACT 173)

Gov. Msg. No. 395, informing the House that on June 24, 2010, the following bill was signed into law:

H.B. No. 2845, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE." (ACT 174)

Gov. Msg. No. 396, informing the House that on June 25, 2010, the following bill was signed into law:

S.B. No. 2563, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY." (ACT 175)

Gov. Msg. No. 397, informing the House that on June 25, 2010, the following bill was signed into law:

H.B. No. 2688, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 176)

Gov. Msg. No. 398, informing the House that on June 25, 2010, the following bill was signed into law:

H.B. No. 2061, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN." (ACT 177)

Gov. Msg. No. 399, transmitting her statement of objections to H.B. No. 415, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
June 24, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 415

Honorable Members
Twenty-Sixth [*sic*] Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 415, entitled "A Bill for an Act Relating to Public Safety."

The purpose of this bill is to require the Auditor to conduct an audit of the Department of Public Safety's contracts for prison beds and services outside Hawaii, and the department's contract with the federal detention center. As part of her comparison, the Auditor is directed to "address the closure of Kulani correctional facility" and make a recommendation on "whether the continued housing of Hawaii inmates in mainland facilities and in the federal detention center in Honolulu is advisable, in view of the explicit requirements of Chapter 353H."

This bill is objectionable because, it forces the Auditor to go beyond her duties as specified in HRS 23-4, requiring her to give a legal opinion and make a policy judgment outside the scope of a normal audit. The bill is ineffective because it proposes no solutions to the problems previously identified over many years regarding the lack of funds and facilities to house prisoners in Hawaii.

Further, the audit would duplicate an independent audit that is regularly conducted by a third party covering the fiscal conditions and finances of the Department. The redundant work would consume an estimated $60,000 in State funds that would result in the loss of resources in the State Department of Defense, a State agency charged with protecting the safety of State residents.

For the foregoing reasons, I am returning House Bill No. 415 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 400, informing the House that on June 28, 2010, the following bill was signed into law:

S.B. No. 2600, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE." (ACT 178)

Gov. Msg. No. 401, informing the House that on June 28, 2010, the following bill was signed into law:

H.B. No. 2533, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS." (ACT 179)

Gov. Msg. No. 402, informing the House that on June 28, 2010, the following bill was signed into law:

H.B. No. 2200, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 180)

Gov. Msg. No. 403, informing the House that on June 28, 2010, the following bill was signed into law:

S.B. No. 2173, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 181)

Gov. Msg. No. 404, informing the House that on June 28, 2010, the following bill was signed into law:

S.B. No. 2842, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT." (ACT 182)

Gov. Msg. No. 405, informing the House that on June 29, 2010, the following bill was signed into law:

S.B. No. 2068, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION." (ACT 183)

Gov. Msg. No. 406, informing the House that on June 29, 2010, the following bill was signed into law:

S.B. No. 2346, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD." (ACT 184)

Gov. Msg. No. 407, informing the House that on June 30, 2010, the following bill was signed into law:

H.B. No. 2897, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS." (ACT 185)

Gov. Msg. No. 408, informing the House that on June 30, 2010, the following bill was signed into law:

S.B. No. 2231, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES." (ACT 186)

Gov. Msg. No. 409, transmitting her statement of objections to H.B. No. 1907, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 1, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1907

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1907, entitled "A Bill for an Act Relating to Taxation."

The purposes of this bill are to: (1) place a cap on itemized deductions claimed on State income tax returns and (2) remove the refunding feature of the capital goods excise tax credit and delay its effectiveness for five years.

The bill is objectionable because it is a defacto tax increase that will adversely hurt certain individuals and businesses at a time when we should be encouraging investment and spending to recharge the economy. The tax increase not only impacts taxpayers, but also disincentivizes activities such as charitable giving and homeownership. Since itemized deductions are allowed for qualifying medical and dental expenses, contributions to qualifying charitable organizations, payment of certain taxes, home mortgage interest, and qualifying job-related expenses, capping the deduction will act to discourage these expenses. Non-profits and charitable organizations that depend on contributions to serve needy populations are particularly concerned that their ability to raise funds through donations and charitable giving would be adversely affected.

This tax increase targets a specific group of income taxpayers and businesses who file their taxes as individuals. Through the Legislature's veto overrides last session and this session, these entities are already being squeezed by an income tax increase, an income tax personal exemption phase out, and an estate tax reinstatement that amount to tax increases of almost $97 million per year.

Second, Part II of this bill changes the terms of the capital goods excise tax credit and delays the effectiveness of this credit for five years. This is not sound economic policy since the credit serves as an incentive for companies to invest in machinery and equipment that expands and upgrades their operations at a time when we want firms to make these types of investments and encourage job growth.

For the foregoing reasons, I am returning House Bill No. 1907 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 410, transmitting her statement of objections to S.B. No. 2001, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 1, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2001

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2001, entitled "A Bill for an Act Relating to Taxation."

The purpose of this bill is to repeal the High Technology Business Investment Tax Credit and the Technology Infrastructure Renovation Tax Credit retroactively on May 1, 2010, rather than December 31, 2010. This bill also extends the Tax Credit for Research Activities by one year, from December 31, 2010 to December 31, 2011.

This measure is objectionable because it raises fundamental doubts about the reliability and veracity of the State and adversely impacts the technology industry by extending support to specific parts of the technology sector at the expense of others.

Investors, entrepreneurs, and businesses make decisions to hire staff, expand operations, or start a new enterprise based on assessments of the risks and rewards they face. When government policies and commitments change with little notice or rationale, investors and firms understandably decide to pull back and invest their capital elsewhere.

This bill's retroactive elimination of a fundamental tax credit that numerous firms and individuals have depended upon since 1999, implies that people who invest in Hawaii can no longer trust State Government to keep its word. This is poor public policy and will have long-term adverse implications for the State's ability to attract and retain new jobs and new investment.

Hawaii's technology industry is diverse in its makeup, including computer software, renewable energy, digital media, bioengineering, and defense-related companies. Depending on the field, function and maturity of these firms, research and development may or may not be a part of their ongoing functions. According to the Department of Taxation, there were a total of 203 qualified high technology companies using the business investment tax credit to attract investors in 2008, of which 76 companies also claimed the research tax credit. Many of these 76 research-oriented companies are in the fields of biotechnology and defense.

While these two sectors have contributed significantly to Hawaii's technology industry, it is vital for Hawaii to develop a diverse and vibrant industry that includes all sectors of innovation and technological development. This bill unfairly divides the industry and sacrifices companies with less research-oriented functions for the sake of companies oriented toward research and development. The State should not be in the business of picking winners and losers in the technology industry when the goal is to ensure the whole industry thrives in all its diversity.

For the foregoing reason, I am returning Senate Bill No. 2001 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 411, informing the House that on July 2, 2010, the following bill was signed into law:

H.B. No. 1015, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OBLIGATIONS OF THE DEPARTMENT OF HAWAIIAN HOME LANDS TRUST FUND." (ACT 187)

Gov. Msg. No. 412, dated June 29, 2010, transmitting the Access Hawaii Committee and the Department of Accounting and General Services' Annual Report on the Operation of the Internet Portal for the period July 1, 2008 through June 30, 2009.

Gov. Msg. No. 413, informing the House that on July 5, 2010, the following bill was signed into law:

S.B. No. 2828, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 188)

Gov. Msg. No. 414, transmitting her statement of objections to H.B. No. 444, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 444

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 444, entitled "A Bill for an Act Relating to Civil Unions."

There are many aspects to House Bill No. 444, but in its language, this legislation seeks to change Hawaii's current laws to grant partners in a civil union "all the same rights, benefits, protections, and responsibilities under law, whether derived from statutes, administrative rules, court decisions, the common law, or any other source of civil law, as are granted to those

who contract, obtain a license, and are solemnized pursuant to chapter 572," our marriage statute. It is essentially marriage by another name.

I have been open and consistent in my opposition to same gender marriage, but my personal opinion is not the basis for my decision against passage of this legislation.

This decision is of such societal significance that the people of Hawaii deserve the right to directly decide whether the changes contemplated by House Bill No. 444 should become law. It would be a mistake to allow a decision of this magnitude to be made solely on the views of a single individual or by 76 elected officials out of a population of 1,300,000. Ours is a system of representative government, but also one that recognizes that, from time to time, there are issues that require the reflection, collective wisdom, and consent of the people and reserves to them the right to directly decide those matters. This is one such issue.

The subject of this legislation has touched the hearts and minds of our citizens as no other social issue of the day, and it has touched me deeply as well.

I have been deliberative in undertaking an extensive review of this matter, inviting public testimony that has provided me with thousands of responses in the form of poignant letters, calls, emails, petitions, and personal meetings.

I have read commentaries and legal opinions, and held sessions with numerous individuals and groups, both for and against House Bill No. 444. I am extremely grateful to all who have taken the time to share with me their thoughts and feelings on this important matter.

Through this process I have gained a greater respect, understanding, and appreciation of the deeply felt emotions and beliefs that people hold on this issue and of the passion of both sides in advocating for something in which they believe so strongly.

This process has convinced me that my personal beliefs alone should not be the basis for my decision.

I have weighed the legal arguments and opinions offered on the bill and heard concerns over ambiguities that some have cited as reason enough for disallowing its passage. But this is also not a matter that should ultimately be determined on the basis of technical issues. It is a decision that should only be made based on what we as a society are willing to support.

It is not only a question of whether expanded legal recognition of same gender couples should be allowed, but a question of who should make that determination and how it should be made.

Unfortunately, the manner in which this bill has been handled has brought into question the fairness of the legislative process. A member of the majority party in the House said, "This is one of the most important votes any legislator will ever make. It is a shame that the vote couldn't have been done in a more dignified and open way." That member went on to assert, "When the legislative process is manipulated - whether unintentionally or deliberately - the public feels deceived."

I have chosen not to allow House Bill No. 444 to become law because of the respect that I have for the importance of this issue. It is one that should be decided not behind closed doors but behind the curtain of a voting booth. I have full faith and confidence that the good people of Hawaii, if given the opportunity, will choose what is best for our society.

Therefore, I call upon the members of the Legislature to allow Hawaii's citizens the right to determine whether we reserve marriage and its rights, benefits, protections, and responsibilities to heterosexual couples or expand the definition of marriage to include same gender unions by placing on the ballot at the next opportunity a straightforward question that settles this important issue.

For the foregoing reasons, I am returning House Bill No. 444 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 415, transmitting her statement of objections to H.B. No. 865, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 865

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 865, entitled "A Bill for an Act Relating to Transportation."

The purpose of this bill is to establish a working group to determine the feasibility of transferring state highway maintenance functions to the county of Maui. The bill tasks the Director of Transportation and the Director of the Public Works Department of the County of Maui with responsibility for assembling and overseeing the work and specifies the type of findings and recommendations that shall be contained in the report.

This bill is objectionable because it requires the Department and the County of Maui to undertake this work within an unrealistic time frame without resources or staffing to handle the task.

The transfer of State highways to the counties has been an issue which has been examined and discussed for many years. The issues are serious enough that they cannot be adequately addressed within a period of less than six-months, which is all the time that is allowed under this bill.

Further, the bill fails to provide funding or staff positions to conduct the workload, meaning both the county and the State will need to divert resources from other high priority transportation and public works projects. Clearly to do an adequate job will require travel, analysis, and extensive consultation with federal officials and the legal community. There are concerns that any contemplated transfer could impact the allocation of federal highway funds, which must be spent within the constraints imposed at the Federal level. Issues of liability and the transfer of responsibility for these highways would need to be thoroughly and effectively addressed.

This measure fails to understand the complexity of the task or the impacts that may be involved and will detract from higher priority duties both the county and the State must undertake.

For the foregoing reasons, I am returning House Bill No. 865 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 416, transmitting her statement of objections to H.B. No. 921, HD 1, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 921

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 921, entitled "A Bill for an Act Relating to Public Lands."

The purpose of this bill is to expand the potential assignees of a homestead lease to include trustees of land trusts created for the purposes of managing and holding a homestead for the benefit of the lessee and lessee's family members.

This bill is objectionable because it does not address the underlying issue of how best to resolve family disputes. The bill states that homestead leases are becoming increasingly difficult to manage as conflicts often arise between family members who may have an interest in a homestead lease. Setting up land trusts to hold and manage these leases will not resolve the conflict among surviving family members with respect to their share of the lessee's lease. The establishment of a trust can complicate the process because descendants must now also agree on the process of setting up the trust, appointing the trustee, and naming the beneficiaries. Current law, section 171-100, Hawaii Revised Statutes, allows the Office of Hawaiian Affairs to establish a successor determination program to help families with these issues.

Further, this bill would require the Board of Land and Natural Resources to take actions involving trust laws outside of their sphere of expertise.

For the foregoing reasons, I am returning House Bill No. 921 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 417, transmitting her statement of objections to H.B. No. 1212, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1212

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1212, entitled "A Bill for an Act Relating to Information Practices."

The purpose of this bill is to expand the information in which a licensee has a significant privacy interest by only allowing the record of complaints that have been resolved against a licensee to be subject to public disclosure. As a consequence, the information about licensees available to consumers will be limited, and no longer include pending complaints.

Currently, individuals who are granted licenses in the State do not have a significant privacy interest in the record of complaints, including all dispositions, received about them. Consumers have been, and should be, encouraged to obtain licensing and complaint information prior to consulting and retaining licensed professionals. The disclosure of a licensee's complete complaint record results in increased consumer awareness and informed decision-making. This bill will decrease information available to consumers and thereby hinder this process.

Although proponents of this bill are concerned that current practices allow frivolous complaints to become public, the procedures used by the Department of Commerce and Consumer Affairs Regulated Industries Complaints Office screen out over half of all complaints because they are frivolous, cannot be substantiated, do not involve a licensing violation, or can be resolved between the parties. Only when sufficient grounds have been found to start an investigation, does a complaint get disclosed in the Complaint History Report available to the public. As a courtesy, the State notifies the parties involved prior to the posting.

Unfortunately, this bill would restrict the Department's ability to disclose a significant number of the complaints that are currently available to over 500,000 individual reviewers who access this site each year. If complaints cannot be disclosed without an outcome, even if an investigation is underway, the complaint history becomes less useful to consumers. The report will no longer provide up to date information about licensees, and leaves consumers to question whether businesses and professionals not on the complaints list are those who truly have not received any complaints or those who have complaints pending. While improvements can be made to the complaint history record in a reasonable manner to accommodate licensee concerns, this bill is overly-broad and inappropriate.

For the foregoing reasons, I am returning House Bill No. 1212 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 418, transmitting her statement of objections to H.B. No. 2083, HD 1, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2083

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2083, entitled "A Bill for an Act Relating to Milk Labeling."

The purpose of this bill is to require milk pasteurized, distributed, or offered for sale in Hawaii to be labeled with the date the contents were pasteurized or packaged for distribution or sale.

This bill is objectionable for three reasons.

First, while it would require this type of labeling for pasteurized milk, it would exempt ultra-high temperature pasteurized milk from the labeling mandate. "Pasteurized milk" in this bill refers only to fresh milk processed by heating to at least 145 degrees Fahrenheit for a minimum of thirty minutes, or to at least 161 degrees Fahrenheit for a minimum of fifteen seconds, but does not include ultra-high temperature pasteurized milk, which is processed under different heat and time conditions. There is no good reason for this exclusion.

Second, the bill does not specify which pasteurization date should be used. Some milk shipped into the State is pasteurized twice, and using the second pasteurization date would make it seem fresher, than it actually is, including appearing fresher than locally produced milk.

Third, this bill is inconsistent with the National Conference of Interstate Milk Shippers' Pasteurized Milk Ordinance, which has been adopted in Hawaii by administrative rules. The Ordinance prohibits the sale of unpasteurized milk, and its labeling provisions require only that milk be labeled "pasteurized" or "ultra-pasteurized" and show the place of pasteurization. This bill would take Hawaii out of compliance with the Ordinance, which all fifty states currently follow pursuant to guidance from the Food and Drug Administration.

For the foregoing reasons, I am returning House Bill No. 2083 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 419, transmitting her statement of objections to H.B. No. 2133, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2133

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2133, entitled "A Bill for an Act Relating to Procurement."

The purpose of this bill is to require the State Procurement Office to authorize local reseller agreements as part of any multi-state contracting agreement and to place orders with local resellers having a principal place of business or ancillary headquarters located within the state, and not less than thirty-five per cent of the reseller's employees residing within the state.

Although I support increased competition among resellers of vendors contracted under multi-state contracts entered into by the Western States Contracting Alliance (WSCA), this measure does not help the State realize greater discounts in its purchases or improved servicing support. On the contrary, this bill has the potential to increase the cost of goods and services for state agencies.

This bill's definition of "local reseller" is problematic, because if a reseller is authorized and designated by a WSCA multi-state contract but does not meet the thirty-five percent residency requirement, it could nullify the reseller being able to participate, and in effect interfere with the operations and business decisions of the vendor. This could hurt vendors, and by extension, the State, because the purpose of multi-state contracting is to benefit the State with reduced pricing. Interfering with vendor business decisions and decreasing the availability of resellers is antithetical to this goal. As such, the bill has the potential to increase the cost of goods and services for state agencies.

Local resellers conducting business in Hawaii may already be included on the procurement list of the State Procurement Office. WSCA solicitation allows vendors to designate resellers, including those based in Hawaii. Based on the original vendor's list of authorized resellers, the State Procurement Office adds the resellers to its procurement list to allow State agencies to solicit and procure competitive, cost-effective goods and services. Thus, requiring the use of local resellers when authorized by the vendor is unnecessary, as they may already be utilized if they are authorized by the vendor.

For the foregoing reasons, I am returning House Bill No. 2133 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 420, transmitting her statement of objections to H.B. No. 2152, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2152

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2152, entitled "A Bill for an Act Relating to Building Design For Persons With Disabilities."

The purpose of House Bill No. 2152 is to allow the Disabilities and Communication Access Board ("DCAB") to charge fees for the review of construction plans and designs starting January 1, 2011, and to establish such fees in statute until DCAB revises the fees in rulemaking. Currently, DCAB does not charge a fee for its review services.

This bill is objectionable because it increases the cost of public projects, private and non-profit housing and commercial and industrial developments that impact public right of ways. This fee not only increases costs for taxpayers who ultimately finance public projects, but Hawaii residents who are seeking to build or remodel a structure or firms interested in undertaking projects that will create construction jobs. This bill is particularly ill-timed since the economy has not yet returned to full speed and my Administration is taking steps to control costs and fees that would hamper our economic recovery.

While it is understandable that the Disabilities and Communication Access Board would seek ways to address budget issues, the fiscal year 2010-2011 supplemental budget for the Executive Branch, which was signed into law as Act 180, appropriates $323,820 in general funds for the 5.5 DCAB positions that review construction plans and designs for ADA compliance. Further, even if this bill became law the fees imposed would be deposited into the general fund and would not accrue to the Board to handle the Americans with Disabilities Act review function.

For the foregoing reasons, I am returning House Bill No. 2152 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 421, transmitting her statement of objections to H.B. No. 2239, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2239

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2239, entitled "A Bill for an Act Relating to the Deposit Beverage Container Program."

The purpose of this bill is to expand the Hawaii Beverage Container Deposit Program by removing the current recycling program exemption for liquid dietary supplement containers starting July 1, 2010.

This bill is objectionable because the inclusion of liquid dietary supplement containers will make it difficult to recycle these containers, it will not be possible to implement by the bill's effective date, and will have a negative impact on consumers during these difficult economic times.

First, this bill would include liquid dietary supplement containers in the Deposit Beverage Container Program on July 1, 2010. There is no phase-in period, as there was when the original program began. As a result, the industry will not be able to comply with the bill's requirements since it would become law on July 1, 2010, and that date has already passed.

Second, this additional fee on liquid dietary supplement containers will impact Hawaii consumers by increasing the cost of drinking dietary supplements and health-related beverages. The fee increase would occur at a time when Hawaii families are still feeling the impacts of the recession and when it is important for Government to take steps to limit the cost of living increases imposed on our families.

Finally, redeeming the refund value of these containers will be inconvenient because reverse vending machines do not accommodate energy drink and dietary supplement containers, many of which are neither standard in size nor shape. Currently, reverse vending machines already have trouble identifying non-standard containers with HI5 labels, thus forcing consumers to either make another trip to a redemption center or throw away the containers, thus losing their refund.

For the foregoing reasons, I am returning House Bill No. 2239 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 422, transmitting her statement of objections to H.B. No. 2377, HD 3, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2377

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2377, entitled "A Bill for an Act Relating to Education."

This bill would implement the amendment to Article X, Section 2 of the Hawaii State Constitution, upon its ratification, as proposed in House Bill No. 2376. This measure creates a ten-member Board of Education, establishes a seven-member Board of Education Selection Advisory Council, and exempts this Council from the open meeting and public transparency provisions of Chapter 92, Hawaii Revised Statutes.

This bill is objectionable because it is a narrowly prescribed process for selecting Board of Education members that is intended to limit the number of candidates that a Governor can consider. Rather than permit the Governor to select candidates from the State's entire community, this bill transfers that duty to a seven member council that can recommend as few as only two names to the Governor to fill a position on the Board of Education.

I am also concerned that the process established in this bill fails to ensure that the Board of Education will be composed of members who reflect the best interests of the Department of Education and the State. Four of the seven members of the Selection Advisory Council will be selected by the Hawaii P-20 Council. The Hawaii P-20 Council is not a statutorily-based organization and is made up of approximately thirty-two members representing a variety of public and private interests. This process will not provide the public with a better understanding of who is accountable for setting the policies that guide our public education system.

This approach contradicts what public citizen trusteeship should be-that is, citizens who are independent in their individual and collective judgment and who serve the people of Hawaii, not special interest groups, as Board of Education members. Instead, House Bill No. 2377 establishes a narrowly focused constituency-based selection council with members appointed by separate interests. These individuals can recommend as few as only two names to fill a vacancy on the Board of Education, further contributing to the partisan and narrow focus of potential Board of Education candidates.

I am also troubled by the exemption of the selection council from Part I, Chapter 92, of the Hawaii Revised Statutes covering open meetings, also know as the Sunshine Law. This blanket exemption would allow this council to conduct its proceedings behind closed doors away from public scrutiny. This makes it difficult for the selection council members to be held accountable for the recommendations they make since the public will be unable to observe how candidates were selected, how qualifications were applied, what screening process was utilized, and whether political or partisan considerations were used.

A selection process that operates in secrecy benefits no one. It injures the people it seeks to serve, damages the integrity of the operation, breeds distrust, and dampens the enthusiasm of citizens to consider serving as Board of Education members.

I affirmatively state that I support the proposed Constitutional amendment to establish an appointed Board of Education and urge its ratification. I propose that the next Governor offer implementing legislation that ensures the Board of Education members are selected directly by the Governor allowing for a fair, open and accountable process with the integrity this critical task deserves.

For the foregoing reasons, I am returning House Bill No. 2377 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 423, transmitting her statement of objections to H.B. No. 2441, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2441

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2441, entitled "A Bill for an Act Relating to Procurement."

The purposes of this bill are to (1) require the Department of Hawaiian Home Lands and the Department of Transportation, to award project contracts within thirty days of the bid opening date; and (2) provide that a gift to the State shall not be deemed to constitute a procurement contract but the agency accepting the gift must report the gift to the State Procurement Office.

Although the intentions of this measure are understandable, I must object to this bill because the rigid award deadlines are counterproductive,

unrealistic, and violate procurement rules. The gifts exemption is not conducive to transparency in government.

Part I of this measure would require the Department of Hawaiian Home Lands and Department of Transportation to award contracts within thirty days of the bid opening date. This provision may work against efforts to speed up awards and is unrealistic for certain kinds of procurements. Complex project bids can require hundreds of hours of staff time to review and verify the documentation. If a department was not able to meet the new statutory timeline, the solicitation would be invalid, requiring a repeat solicitation that would further delay the procurement process. The review process could also be delayed by the offeror not furnishing the necessary documentation in a timely manner, or by protests of an award. If an award was made after the imposed statutory deadlines, it would likely result in a procurement violation.

In addition, this bill would require an award within forty-five days of the bid opening for contracts for design professional services. However, procurement of professional services is qualification-based and does not involve a bid opening. Statements of qualifications are requested by an agency and a review committee places the qualified applicants on a listing. When a need or project arises, a selection committee reviews the statements of qualifications, ranks the submittals, and begins negotiations with the first-ranked provider. A time limitation is therefore not conducive to the professional services procurement method and also would likely constitute a procurement violation.

Part II of this bill specifies that gifts made to the State shall not be deemed to constitute or require a procurement contract. I have concerns that gifts to the State of certain types of material, labor or equipment could influence the procurement of future projects that involve these same or similar materials, labor, or equipment. Exempting gifts from procurement contracting might encourage a 'donate to play' arrangement where the donor subsequently receives residual compensation for equipment, parts, service, repair, maintenance or other realizations, "locking-in" the donor to future contracts. For example, a donor might give free materials to the State, but those materials could require maintenance or further equipment or upgrades at a cost. Rather than eliminate procurement contracting for all gifts to the State, it is better for certain gifts to go through the transparent process under the Procurement Code that clearly delineates the benefits to the donor, and gives other parties an opportunity to gift the same materials or equipment to the State.

For the foregoing reason, I am returning House Bill No. 2441 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 424, transmitting her statement of objections to H.B. No. 2497, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2497

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2497, entitled "A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds."

The purpose of this bill is to authorize the issuance of special purpose revenue bonds under part V, chapter 39A, Hawaii Revised Statutes, in a total amount not to exceed $40,000,000, for the purpose of assisting Carbon Bio-Engineers, Inc., or a partnership in which Carbon Bio-Engineers, Inc., is a general partner.

This bill is objectionable because the firm in question and members of its management have not satisfactorily resolved issues associated with the patent and licensing of a process developed by the University of Hawaii. After resolving these issues, Carbon Bio-Engineers, Inc., may approach the Legislature to request authorization of special purpose revenue bonds.

For the foregoing reasons, I am returning House Bill No. 2497 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 425, transmitting her statement of objections to H.B. No. 2583, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2583

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2583, entitled "A Bill for an Act Relating to Impounded Vessels."

The original purpose of this bill was to clarify that all costs and expenses associated with the impoundment and disposal of an impounded vessel are to be borne by the vessel owner. The original bill also clarified that mooring fees incurred prior to impoundment are also the responsibility of the vessel owner, regardless of whether the vessel owner repossesses the vessel. Amendments made to the bill added a new section 1 to establish civil and administrative penalties for shark feeding, including seizure and impoundment or forfeiture of any commercial marine license, vessel, and fishing equipment, and administrative fines, fees, and costs.

This bill is objectionable because it violates Section 14 of Article III of the Hawaii Constitution, which states that "[e]ach law shall embrace but one subject, which shall be expressed in its title." The subject of this bill that is expressed in its title is "impounded vessels." The establishment of civil and administrative penalties for shark feeding appears to go beyond the scope of the subject expressed in the title of this bill.

For the foregoing reasons, I am returning House Bill No. 2583 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 426, transmitting her statement of objections to H.B. No. 2644, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2644

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2644, entitled "A Bill for an Act Relating to Solid Waste."

The purpose of this bill is to amend section 342G-62, Hawaii Revised Statutes, to require the solid waste disposal surcharge of 35 cents per ton to apply, in addition to all solid waste disposal facilities, to solid waste that is disposed of out-of-state.

This bill is objectionable because Hawaii should continue to encourage responsible, environmentally appropriate options for disposing of solid waste including the shipment of this waste to out-of-state facilities. The shipment of solid waste out-of-state is one approach to addressing cost and space issues related to Hawaii's landfills. Imposing a fee on the movement of refuse that leaves Hawaii sends a signal that the State may want to discourage this option. It is inappropriate to do so at a time when these programs are still in their inception.

Additionally, expanding the existing surcharge is contrary to my Administration's general policy against creating or expanding fees during difficult economic periods.

For the foregoing reason, I am returning House Bill No. 2644 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 427, transmitting her statement of objections to H.B. No. 2708, HD 1, SD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2708

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2708, entitled "A Bill for an Act Relating to Transportation."

The purpose of this bill is to require the Department of Transportation to develop and use a public involvement process for public review and comment in carrying out the statewide transportation planning process, including development of all state transportation projects.

The Department of Transportation has an established public involvement policy that is applicable to all modal divisions. This policy was updated last year and can be revised whenever it is necessary and appropriate.

Implementing the public involvement process proposed in this bill requires administrative rules that will be time-consuming, and will make updating said policies inflexible, more costly, and less responsive to the general public.

For the foregoing reasons, I am returning House Bill No. 2708 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 428, transmitting her statement of objections to S.B. No. 1105, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1105

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1105, entitled "A Bill for an Act Relating to Legislative Hearings and Procedures."

The purpose of this bill is to require reports of studies and audits requested by the Legislature or mandated by law to be submitted to the Clerk of each house of the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Chair of the applicable subject matter committee of each chamber of the Legislature, and the Legislative Reference Bureau library. Furthermore, the Chairs of the subject matter committees must conduct a public hearing or an informational briefing within one year of receipt of the report, unless explicitly waived by the President of the Senate or the Speaker of the House of Representatives.

I support greater transparency in government, but this measure does not help realize this goal. Rather, this measure unnecessarily burdens state agencies with the task of appearing at mandated hearings and briefings.

Legislative briefings entail a great deal of groundwork and preparation by agencies that impacts time and staff resources. It is also well understood that not all reports are worthy of receiving a hearing or briefing. However, under this measure, even if the hearing or briefing is eventually waived, agency resources will have been expended preparing for the anticipated briefing or hearing.

Moreover, the Legislature already has the authority to hold a briefing or hearing on any area of interest, including legislative reports and audits. Mandating such hearings and briefings removes the discretion of legislative committee chairs, creating a procedural rigidity that is counterproductive. The current system, in which committees use their best judgment to determine whether or not a hearing or briefing is warranted, is more practical and efficient than the mandate proposed in this bill.

For the foregoing reasons, I am returning Senate Bill No. 1105 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 429, transmitting her statement of objections to S.B. No. 2020, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2020

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2020, entitled "A Bill for an Act Relating to Real Property."

The purpose of this bill is to extend the sunset date of Act 189, Session Laws of Hawaii 2009 (Act 189), from June 30, 2010, to June 30, 2013. Act 189 contained several provisions pertaining to renegotiations of commercial and industrial leases, and in particular specified that the term "fair and reasonable" annual rent of certain leases of commercial or industrial leasehold property be construed in a specific manner.

The constitutionality of Act 189 has been litigated in the United States District Court for Hawaii in a lawsuit brought by HRPT Properties Trust which owns significant amounts of land in the Mapunapuna area. The District Court recently provided its written inclination (a summary of the court's thinking) to find that Act 189 violates the Contracts Clause of the United States Constitution. Although a written order to that effect has not yet been issued, it appears probable that the Court will soon issue a ruling that Act 189 is unconstitutional.

Extending the life of Act 189 for three additional years serves no useful purpose, and may expose the State to an increasing amount of attorneys' fees. Allowing Act 189 to sunset may reduce or eliminate the State's liability in this case.

For the foregoing reasons, I am returning Senate Bill No. 2020 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 430, transmitting her statement of objections to S.B. No. 2045, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2045

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2045, entitled "A Bill for an Act Relating to Crime."

The purposes of this bill are to create two new criminal offenses of Sexual Human Trafficking in the First Degree and Sexual Human Trafficking in the Second Degree, and to add Sexual Human Trafficking to the list of offenses covered under the government witness protection program.

This bill is objectionable because the proposed new offenses seek to prohibit conduct that is already prohibited under Hawaii law, and because the proposed new offenses do not clearly define prohibited conduct in such a way that they can be enforced and prosecuted in court.

The language in this measure is poorly drafted, overly broad, redundant, and inaccurate so as to make it virtually impossible to bring to trial and convict those who engage in human trafficking. The bill also fails to establish clear standards for a person knowingly or intentionally engaging in this behavior, thus jeopardizing the case that a prosecutor would have to present in a court of law.

In addition to the inadequately defined terms, the proposed offenses of sexual human trafficking do not clearly establish prohibited conduct that can be reasonably understood.

This bill is also objectionable because most of the conduct that the proposed offenses attempt to prohibit is already covered by existing statutes.

Advancing or profiting from the prostitution of a minor is prohibited by section 712-1202, Hawaii Revised Statutes, Promoting Prostitution in the First Degree. Under section 712-1202, the State need only prove that: (1) the actor knowingly advances or profits from prostitution, and (2) the prostituted person is less than eighteen years old. In contrast, proposed section 707-B of this bill would impose additional elements (enticement, fraud, or coercion; maintenance, management, supervision, or control; and transportation) that the State must prove. The additional elements would make it more difficult to obtain convictions in cases involving prostitution of minors. There is no logical reason to add them.

The proposed offenses refer to prostitution or sexually-explicit activity obtained or maintained through coercion. The use of coercion is prohibited by existing statutes. Section 712-1202, Promoting Prostitution in the First Degree, prohibits knowingly "[a]dvanc[ing] prostitution by compelling a person by force, threat, or intimidation to engage in prostitution, or profit[ing] from such coercive conduct by another." Section 707-764, Hawaii Revised Statutes, Extortion, prohibits obtaining, or exerting control over, the property, labor, or services of another with intent to deprive another of property, labor, or services by threats of word or conduct; and prohibits intentionally compelling or inducing another person to engage in conduct from which another has a legal right to abstain, or to abstain from conduct in which another has a legal right to engage, by threats of word or conduct.

I support the goals of preventing human trafficking and bringing its perpetrators to justice. Unfortunately, those goals will not be achieved by the enactment of this bill and this bill will make it more difficult to achieve the objectives of penalizing those who engage in sexual human trafficking.

For the foregoing reasons, I am returning Senate Bill No. 2045 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 431, transmitting her statement of objections to S.B. No. 2324, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2324

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2324, entitled "A Bill for an Act Relating to Unemployment Insurance Benefits."

The purpose of this bill is to allow a partially unemployed individual who quits his or her part-time job without valid reason, or is terminated for cause, to still receive unemployment insurance benefits.

This bill is objectionable because it violates the foundation upon which the unemployment insurance benefits system was based, namely a person should receive financial assistance only when they lose their job through no fault of their own. If this bill became law, a partially unemployed individual would continue to be paid unemployment benefits even if the individual voluntarily quit a part-time job without good cause or was discharged for misconduct connected with work. All other unemployed individuals are subject to disqualification for voluntarily quitting full-time employment or when they are discharged for misconduct.

Additionally, payment of benefits resulting from this bill would increase the fiscal demands on the Unemployment Insurance Trust Fund, which could eventually increase employers' contributions. This impact would occur at a time when the fund is experiencing significant draw downs due to higher than anticipated unemployment rates. It would not be responsible public policy to add beneficiaries who don't meet the appropriate threshold to enjoy these dwindling benefits.

For the foregoing reasons, I am returning Senate Bill No. 2324 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 432, transmitting her statement of objections to S.B. No. 2434, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2434

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2434, entitled "A Bill for an Act Relating to Salaries."

The purposes of this bill are to adjust the salaries and to provide annual performance bonuses for the Superintendent of Education, the Deputy Superintendent, the Assistant Superintendents, and the Complex Area Superintendents and to provide an annual performance bonus for the State Librarian, beginning with the 2011-2012 school year.

This bill is objectionable because it could impact the funding of other education programs and comes at a time when other state workers are losing their jobs, taking furloughs, or are subject to decreased pay.

The Department of Education and the Hawaii Public Library System will be obligated to fund the salary increases and bonuses within their current resources. It is unclear how the department will find the funding to meet new fiscal obligations without a reduction or elimination of other programs and priorities. Schools have already experienced reductions or elimination of certain educational programs and parents are now being asked to pay more for school transportation and school meals.

While I fully realize that the intent of this measure is to attract a wider range of potential candidates for senior positions in the Department of Education, it should be noted that the Superintendent already receives a considerably higher salary than many other critical positions in State Government, such as the Director of Human Services and the Director of Health who are both responsible for the well-being for many individuals.

For the foregoing reasons, I am returning Senate Bill No. 2434 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 433, transmitting her statement of objections to S.B. No. 2473, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2473

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2473, entitled "A Bill for an Act Relating to Housing."

The purpose of this bill is to allow grandparents residing in State-operated elderly housing projects to temporarily house their minor grandchildren for not more than three months in certain family crisis situations.

While I personally understand the importance of allowing grandparents to step in when family needs require their assistance, this bill is objectionable because it places additional liabilities on the State, could impact the State's coverage under the Federal Fair Housing Act, and addresses an issue that has been handled by the Hawaii Public Housing Authority through its procedures.

The Federal Fair Housing Act exempts public elderly housing if the State meets specified admission rules, population requirements, and demonstrates clear intent to limit these facilities to elderly only. Enactment of this bill could result in the Hawaii Public Housing Authority being placed in a situation where this exemption could be challenged.

The bill does not limit the number of grandchildren who are entitled to stay with a grandparent, which could conflict with occupancy limits established by building codes and other health and safety laws. Elderly housing projects are not designed to accommodate young children and do not have the safety features family housing must abide by such as higher window heights and enclosed walkways and stairways.

Moreover, while the accommodation of grandchildren is intended as a temporary accommodation of not more than three months, without a clear provision in this bill to the contrary, entitlement to a larger unit may be an unintended consequence of this bill. This would create burdens on the HPHA to coordinate larger units within a limited inventory, and may expose the HPHA to further liability if a larger unit is not available.

I am pleased that the Hawaii Public Housing Authority has recognized the need to address this matter in a manner that allows a child in need to stay with a grandparent for a limited time until more appropriate accommodations can be found, while ensuring that public elderly housing remains available for those who meet the criteria of age 62 or older.

For the foregoing reasons, I am returning Senate Bill No. 2473 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 434, transmitting her statement of objections to S.B. No. 2491, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2491

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2491, entitled "A Bill for an Act Relating to Telemedicine."

The purposes of this bill are to: (1) Require the Insurance Commissioner to conduct a study regarding the impact of telehealth services on medical malpractice policies and rates and report the findings to the Legislature at least twenty days prior to the next legislative session; and (2) Add a new section to Hawaii Revised Statutes chapter 346 prohibiting the Department of Human Services from requiring its approval for health plans under its Medicaid or Quest services to deliver telehealth services or in-person visits to qualify any telehealth service for the foregoing Medicaid or Quest program. The foregoing mandate applies to mobile medical van programs offering telehealth services in counties with a population less than 250,000.

Although I support the expansion of telemedicine and telehealth initiatives due to their potential to increase the availability of health care services to the public, the approach taken in Part II of this bill is inappropriate.

The expansion of telehealth services provided for in this bill would have to be funded entirely by state dollars, since this expansion of services has not received federal approval, and is therefore ineligible for federal reimbursement. Indeed, the mobile medical van envisioned in this bill may offer services in conflict with federal requirements and be ineligible for funding. General funds to cover the costs of these services are not included in the bill, and therefore this bill presents the Department of Human Services with an unfunded mandate.

Enacting this bill would also set an undesirable precedent of statutorily requiring the Department of Human Services to cover the cost of a service over which it has no authority for prior review and approval. Because of the significant growth in the Medicaid budget, the Department of Human Services is continually looking at approaches to reduce costs without compromising patient safety. The provisions of this bill are an impediment to the efforts by the Department of Human Services to responsibly manage the program.

For the foregoing reason, I am returning Senate Bill No. 2491 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 435, transmitting her statement of objections to S.B. No. 2534, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2534

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2534, entitled "A Bill for an Act Relating to Bail."

This bill requires any law enforcement agency in the county in which the person is detained to accept cash bonds, surety bonds, and recognizance bonds on weekends and holidays, to allow for the prompt discharge of a person from custody or imprisonment. It requires that the payment of a bond to a law enforcement agency be accompanied by a bond filing fee of $60, payable in cash, and allocates the fee between the processing agency and the State general fund.

This bill is objectionable because it would adversely impact the workload of law enforcement agencies that are not staffed or trained to handle this function.

The definition of "law enforcement agency" in this bill is very broad. It could apply to the Sheriff and Narcotic Enforcement Divisions of the Department of Public Safety, the Department of Taxation, the Insurance Division of the Department of Commerce and Consumer Affairs, the Harbors Division of the Department of Transportation, the Conservation and Resources Enforcement Division of the Department of Land and Natural Resources, the Benefit, Employment and Support Services Division of the Department of Human Services, the Department of the Attorney General, the county liquor commissions, and the county prosecutors.

All of these law enforcement agencies may be required to establish weekend and holiday units that would be available to receive bail bonds and bond filing fees and have the capability to process these receipts, verify the custody status of the defendant, communicate with the custodial agencies, effectuate the release of the defendant, and follow up with the courts. Most of these agencies do not have the resources or capabilities to address the new responsibilities created by this bill.

For the foregoing reasons, I am returning Senate Bill No. 2534 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 436, transmitting her statement of objections to S.B. No. 2547, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2547

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2547, entitled "A Bill for an Act Relating to Small Boat Harbors."

The purpose of this bill is to impose a condition on small boat harbor commercial permittees to require a crew member to accompany all fare paying passengers that the permittee expects will visit and participate in recreational activity on state property adjacent to quasi-public property in a county of less than 150,000 population.

Although I understand the frustration of the residents of Lanai, this bill is objectionable because this is not the correct way to address the problem. This bill requires the Department of Land and Natural Resources to impose and enforce a permit condition on permittees using a state boating facility as a means of resolving land-based conflicts on non-state land. This is not the best use of the resources of the Department of Land and Natural Resources.

Further, the bill would be difficult to enforce. Enforcement of the condition set forth in this bill would require the Department of Land and Natural Resources to prove that the permittee has the expectation that its fare paying passengers will visit and participate in recreational activity on state property adjacent to quasi-public property before the conclusion of the excursion. It is counterproductive to require a permit condition that the Department of Land and Natural Resources either cannot, or does not have the resources to, enforce.

For the foregoing reasons, I am returning Senate Bill No. 2547 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 437, transmitting her statement of objections to S.B. No. 2566, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2566

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2566, entitled "A Bill for an Act Relating to Medical and Rehabilitation Benefits."

The purpose of this bill is to provide under the State's workers' compensation law, that a physician or surgeon may conduct diagnostic testing or engage in a one-time consultation with a specialist, and the request for or provision of such diagnostic services shall not be subject to contest by an insurer or employer. Furthermore, this bill provides that the one-time consultation may be made regardless of whether the specialist works in a medical facility in which the physician or surgeon has a financial interest.

This bill is objectionable because it unnecessarily increases workers' compensation costs in Hawaii by creating an unintended bias against employers and insurance carriers, who pay for the workers' compensation treatments. This measure denies them the opportunity to challenge services that may not be medically necessary. In addition, because it allows a consultation at a medical facility in which the referring physician or surgeon has a financial interest, this bill may allow situations to occur that involve a conflict of interest.

For the foregoing reasons, I am returning Senate Bill No. 2566 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 438, transmitting her statement of objections to S.B. No. 2610, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2610

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2610, entitled "A Bill for an Act Relating to Conveyance Tax."

The purpose of this bill is to require the Department of Taxation to provide free digital images of property conveyance certificates to county real property assessment divisions within ten days after the end of each week, or as soon thereafter as possible.

This measure is objectionable because it forces the Department of Taxation to reprioritize its workload to serve the counties' interests, to the detriment of the State. It is also objectionable to prevent the Department of Taxation from charging the counties for work that serves their real property assessment divisions.

This bill negatively impacts state tax collections by requiring the Department of Taxation to scan and provide conveyance certificates to the counties on a weekly basis. Currently, the Department of Taxation provides approximately 1,000 to 1,500 hardcopies of conveyance certificates to county real property assessment divisions on a weekly basis, and the Department also scans conveyance certificates after each year's tax season for its own archival purposes.

Unless the requirement to provide these images "ten days after the end of each week, or as soon thereafter as possible" can be interpreted to allow the Department to provide the digital images after tax season, this measure effectively gives the same priority to scanning conveyance certificates as scanning tax documents, tax returns, and payment vouchers. Given that the collection of state taxes is of the utmost importance, it is objectionable to prioritize the counties' needs on the same level as that of the State's.

While I support and promote the use of technologies to expedite the work flow of public agencies, it is inappropriate for the Legislature to require the Department of Taxation to undertake this task to the detriment of other State business.

For the foregoing reasons, I am returning Senate Bill No. 2610 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 439, transmitting her statement of objections to S.B. No. 2849, SD 2, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2849

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2849, entitled "A Bill for an Act Relating to the Hawaii Employer-Union Health Benefits Trust Fund."

The purposes of this bill are to: (1) require all moneys appropriated to the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF") to be transferred directly to the EUTF and not be subject to budget allotment procedures or the powers of the Governor and Director of Finance; (2) change the voting structure of the EUTF board of trustees so that each trustee has one vote and the votes of six trustees are required for any action; and (3) add "surplus" to the description of what is to be held in trust for the exclusive use and benefit of EUTF beneficiaries, and not be subject to appropriation or transfer for any other purpose.

This bill is objectionable because it categorically exempts moneys appropriated for contributions to the EUTF from the allotment system. This system is necessary to control state expenditures, effectuate savings, promote efficient management of state agencies, and ensure general fund expenditures do not exceed general fund revenues, as required by the State Constitution. Under this bill, contributions would have to be made to the

EUTF even if the EUTF does not need the contributions to cover the State's share of health benefit plan costs or the general fund expenditures exceed general fund revenues.

In addition, the bill is objectionable because it creates ambiguity and confusion over when appropriations are to be transferred to the EUTF and how much is to be transferred. Appropriations for the State's contributions to the EUTF are based on the Department of Budget and Finance's estimate of the State's share of EUTF benefit plan costs each year. This is because the number of beneficiaries enrolled in EUTF benefits plans changes constantly and premium costs or rates also change during the fiscal period. Under current law, the Department is required to pay the EUTF a monthly contribution for each of the State's EUTF beneficiaries, and the amount is used toward the payment of their EUTF benefit plan costs. Specifically, sections 87A-32(2) and 87A-33, Hawaii Revised Statutes, require that the monthly contribution shall not exceed the actual cost of the health benefit plans. Under this bill, the Department would essentially pay the estimated EUTF contributions on the first day of each fiscal year, which for fiscal year 2010-2011 amount to $478,025,239 as appropriated in the State supplemental budget. This conflict with current law would make it impossible to properly administer payments to the EUTF if this bill became law.

For the foregoing reasons, I am returning Senate Bill No. 2849 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 440, transmitting her statement of objections to S.B. No. 2883, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2883

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2883, entitled "A Bill for an Act Relating to Employment Practices."

The purpose of this bill is to make it an unlawful practice for an employer to bar or discharge from employment, withhold pay from, or demote an employee because the employee uses accrued and available sick leave. The prohibition applies to employers who have a collective bargaining agreement and employ one hundred or more employees.

This bill is objectionable because the bill gives to the State Department of Labor and Industrial Relations the authority to find an employer in violation of state law if the employer bars, discharges from employment, or withholds pay from an employee. This determination will likely require the interpretation of the employer's negotiated sick leave and negotiated sick leave policies under a collective bargaining agreement. In Lingle v. Norge, 486 U.S. 399, 406, 108 S. Ct. 1877, 1881 (1988), the United States Supreme Court held that under section 301(a) of the Labor Management Relations Act of 1947, 29 U.S.C. section 185(a), state law is preempted if the state law depends upon the interpretation of the meaning of the collective bargaining agreement. This bill will likely require such an interpretation and therefore is preempted by federal statute.

This bill is also objectionable because the terms "legitimate use" of sick leave and "abuse of sick leave" used in the bill are vague and not defined, making enforcement and administration of its provisions difficult.

For the foregoing reasons, I am returning Senate Bill No. 2883 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 441, transmitting her statement of objections to S.B. No. 2919, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2919

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2919, entitled "A Bill for an Act Relating to the Hawaii State Hospital."

The purpose of this bill is to require the Department of Public Safety ("PSD") to provide security for the Hawaii State Hospital.

While the security of this facility is paramount, this bill is objectionable because this added responsibility will require resources that PSD does not have and that the Legislature has not adequately provided. Securing the entire Hawaii State Hospital ("HSH") requires an extraordinary amount of additional personnel, training and expertise. The population at HSH and its special needs also require security personnel to have a different kind of training specifically geared toward addressing situations that can be anticipated with this resident population that suffer the full spectrum of mental health disorders. Failure to adequately address this assignment would expose the State to unnecessary liability.

For the foregoing reason, I am returning Senate Bill No. 2919 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 442, transmitting her statement of objections to S.B. No. 2951, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2951

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2951, entitled "A Bill for an Act Relating to Agriculture."

The purpose of this bill is to provide additional remedies to lessees of public land leases for intensive agricultural and pasture uses upon the withdrawal or taking of leased lands and to extend all remedies to such lessees when an easement is placed on the leased land that prevents the lessee from using the land as originally intended.

This bill is objectionable because it disproportionately and inappropriately compensates these lessees of public lands above other lessees of State lands. Current law, as embodied in Chapter 171 of Hawaii Revised Statutes, already provides procedures for the withdrawal of leased lands. Lessees must be given reasonable notice of the planned withdrawal. Their lease rents must be adjusted to reflect the portion of lands withdrawn and they must be compensated for the value of any improvements on the withdrawn portion. Further, if there are crops on the land, the lands cannot be withdrawn until the crops are harvested or the State pays for the value of the crops.

It should be noted these lessees have been paying rent well below market rates and enter into the leases knowing that leased land may be withdrawn for public purposes. Extraordinary compensation for costs attributable to the diminished use of the leased land, for the value of breeding stock that are not a part of the real property, and for the placement of easements, will discourage and impede the use of public land for valid and necessary public purposes.

For the foregoing reasons, I am returning Senate Bill No. 2951 without my approval.

Respectfully,
/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 443, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2454 SD2 HD1 CD1

On July 6, 2010, Senate Bill No. 2454, entitled "A Bill for an Act Relating to Public Agency Meetings and Records" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes the Judiciary to assess fees on the public for the copying of court documents, but allows the court to exempt state agencies from these fees.

While I understand that it takes resources to copy court records, I remain concerned with the practice of continuing to operate government programs and services by burdening the public with higher fees. I am particularly concerned that this proposed fee structure would come at a time when our residents are dealing with economic challenges and many are having difficulty making ends meet.

Further, the fiscal impact on the public is not known since the bill gives the courts the ability to set the fees. I would urge the members of the Judiciary to be mindful that many of the people who must use our court system are of modest socio-economic means. They should not be denied legitimate access to legal records because they cannot afford to pay the fees imposed.

For the foregoing reasons, I allowed Senate Bill No. 2454 to become law as Act 189, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 444, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2256 SD1 HD1 CD1

On July 6, 2010, Senate Bill No. 2256, entitled "A Bill for an Act Relating to the Department of Education" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes the Department of Education to assess fees for parking on roadways and parking areas under its jurisdiction, and to adopt administrative rules relating to the assessment and collection of parking fees.

The intent of the bill is to create another source of revenue for the Department of Education. I remain concerned with the practice of continuing to operate government programs and services by burdening the public with higher fees during difficult economic times. Further, the exact fiscal impact on the public is unknown since the bill does not specify who will be assessed parking fees and the parameters and scope of fee assessment and collection.

I am also concerned that the deposit of parking fees into the Department of Education's Use of School Facilities special funds does not meet the criteria of Section 37-52.3, Hawaii Revised Statutes, which states that special and revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users and beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining.

For the foregoing reasons, I allowed Senate Bill No. 2256 to become law as Act 190, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 445, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2469 SD2 HD2 CD1

On July 6, 2010, Senate Bill No. 2469, entitled "A Bill for an Act Relating to the Emergency and Budget Reserve Fund" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to appropriate a total of $23,717,136 from the Emergency and Budget Reserve Fund (EBRF) to 42 state programs or non-profit organizations to maintain various programs in fiscal year 2010-2011.

Although I understand the intent of this measure, the State continues to face a precarious fiscal future. It is unlikely State revenues will reach pre-recession levels until 2012 and prudent fiscal management requires the State to retain its reserves in the event serious financial or non-financial emergencies occur during the interim.

While I am allowing this bill to become law without my signature, it is important to note that each appropriation must still be scrutinized by the designated expending agency as well as the Department of Budget and Finance prior to the release of funds. I have instructed the Departments to not take actions to consider any of the proposed appropriations in this bill until after the first quarter of FY 2011 is completed and updated Council on Revenues estimates are available.

For the foregoing reasons, I allowed Senate Bill No. 2469 to become law as Act 191, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 446, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2542 HD1 SD2 CD1

On July 6, 2010, House Bill No. 2542, entitled "A Bill for an Act Relating to Non-General Funds" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to reallocate an estimated $100,000,000 from various non-general funds and programs to the general fund. This measure transfers $46,000,000 from specific non-general funds to the general fund on July 1, 2010; and retains in the general fund approximately $54,000,000 in cigarette tax distributions that are intended for health-related programs from July 1, 2010 to June 30, 2013.

This measure originally would have transferred a total of $10,000,000 from five non-general funds to the general fund. However, this measure was significantly amended to transfer $46,000,000 from 25 different non-general funds, and withhold another $54,000,000 in cigarette tax distributions from three health special funds. While I understand the need to fill the state budget deficit, I am concerned that the magnitude of these reallocations will negatively impact the operation of many important public programs and services.

Although this measure authorizes the Director of Finance to transfer a total of $46,000,000 from various non-general funds to the general fund on July 1, 2010, I do not believe all these transfers are appropriate. To ensure programs and services will not be dramatically impacted, transfers will only be made by the Director of Finance in cases where they have been determined to be appropriate and necessary.

Also I am concerned that any reduction of moneys in the State Highway Fund will further impact our ability to repair and maintain the roadways in our State. I have worked hard to ensure these funds remain intact for much needed repairs.

For the foregoing reason, I allowed House Bill No. 2542 to become law as Act 192, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 447, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1818 HD2 SD2 CD1

On July 6, 2010, House Bill No. 1818, entitled "A Bill for an Act Relating to Cognitive Restructuring" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to authorize the Department of Public Safety to offer reentry/reintegration programs within Hawaii's correctional facilities that include cognitive behavioral therapy with cultural and other interventions. This measure also requires the Department of Public Safety to submit an annual report to the Legislature on these programs in Hawaii's correctional facilities no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2011.

Although I support the implementation of reentry programs that are effective and help offenders transition back into the community, the Department of Public Safety already has the authority to implement the types of programs specified in this measure. Thus, this bill is unnecessary. Moreover, this legislation does not address the level of funding for such programs, which is the primary impediment to conducting these and other kinds of programs and treatments.

Additionally, the provision of this bill that requires the Department of Public Safety to report certain statistical and demographic data fails to define key terms, such as "native Hawaiian" and "recidivism", which are important for the collection of accurate and useful data.

For the foregoing reasons, I allowed House Bill No. 1818 to become law as Act 193, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 448, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2266 HD1 SD1 CD1

On July 6, 2010, House Bill No. 2266, entitled "A Bill for an Act Relating to Corrections" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the Department of Public Safety to place priority upon establishing appropriate counseling services for sexual assault within twenty-four hours of the report of an assault, and to issue policies and standards to achieve a zero-tolerance policy regarding sexual assault. In addition, this bill requires the Department of Public Safety to provide an annual report to the Legislature about its efforts to implement the federal Prison Rape Elimination Act of 2003 (PREA).

The Department of Public Safety already has implemented policies and procedures that accomplish the measure's stated purpose. The Department provides counseling services for sexual assault victims and currently has a zero tolerance policy on sexual assault. Consequently, this legislation is duplicative and unnecessary.

Additionally, implementing regulations have not yet been adopted by the Federal Government for PREA, making this bill's reporting requirements on PREA implementation premature.

For the foregoing reasons, I allowed House Bill No. 2266 to become law as Act 194, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 449, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2289 HD2 SD1 CD1

On July 6, 2010, House Bill No. 2289, entitled "A Bill for an Act Relating to Gift Certificates" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to amend Hawaii's gift certificate law by (1) extending the minimum expiration date on certain gift certificates from two to five years; (2) conforming Hawaii's definition of "gift certificate" to the definition under federal law; and (3) permitting issuers of gift certificates to charge a limited activation fee.

I support extending the minimum expiration date on gift certificates and conforming Hawaii's definition of "gift certificate" to the federal definition as these amendments have the potential to benefit consumers. However, I question permitting gift card issuers to charge an activation or issuance fee for the purchase of a gift card. Currently, such fees are prohibited under Hawaii law. This bill does limit the fee to the lesser of ten percent of the face value of the certificate or $5, and requires the fee to be disclosed in advance.

I understand the fees will cover some of the cost of producing, shipping and marketing gift cards. Nevertheless, I would have preferred that the current total prohibition on fees be kept intact, as Hawaii consumers deserve to have their money go towards the items that may be purchased with the gift cards, and not fees imposed by the card issuers.

For the foregoing reasons, I allowed House Bill No. 2289 to become law as Act 195, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 450, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2832 HD1 SD2 CD1

On July 6, 2010, House Bill No. 2832, entitled "A Bill for an Act Relating to Taro Security" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill authorizes the Office of Hawaiian Affairs (OHA) to seek available federal, state, county or private funding to restore taro and lo'i cultivation. The bill also requires the Taro Security and Purity Task Force to submit reports to the 2014 and 2015 legislative sessions.

This bill raises several concerns. First, it should be noted that OHA already has the authority to seek federal, state, local and private funding for projects. Thus this bill does not grant that organization any powers it does not already possess.

However, the measure is troubling in that it proposes the implementation of recommendations that may not be in the best interests of the public, including the taro farming community. It would be unfortunate if projects were undertaken that did not address the needs and concerns of commercial taro growers that provide the foodstuff many of us enjoy and depend on. The bill would also support implementation of proposals that would violate other sections of the Hawaii Revised Statutes, including the manner in which fair lease rents are determined for the use of public lands.

I urge OHA and members of the Task Force to proceed with caution and to ensure that projects are in the best interest of all of the residents of our islands.

For the foregoing reasons, I allowed House Bill No. 2832 to become law as Act 196, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 451, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2919 HD1 SD2 CD1

On July 6, 2010, House Bill No. 2919, entitled "A Bill for an Act Relating to the Employees' Retirement System" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow sewer maintenance, service and inspection supervisors enrolled in the State Employees' Retirement System (ERS) to retire early like their sewer worker subordinates, starting on July 1, 2011.

Although I am not opposed to providing equal benefits for equal work, and do not believe government employees working in the same capacity should be treated differently, I am fundamentally concerned with whether ERS benefits provided at current levels are financially sustainable. Over the years, the expansion of ERS benefits has led to increases in unfunded liability, which only eased recently with the moratorium on benefits expansion, pursuant to Act 256, Session Laws of Hawaii 2007. However, the current ERS unfunded liability is approximately $6.2 billion and the moratorium is expected to sunset on January 2, 2011.

This large unfunded liability calls into question whether retirement benefits can be maintained at current levels. Just as Hawaii's Medicaid benefits must be restructured to ensure the program remains financially sustainable and available to help the State's most needy; ERS benefits, such as early retirement benefits, must also be reassessed to ensure the system remains financially sustainable to provide for future retirees. Although current retirement benefits have already been promised to certain state and county employees, we must consider whether those benefits are reasonable and financially feasible in the future.

For the foregoing reasons, I allowed House Bill No. 2919 to become law as Act 197, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 452, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2545 SD2 HD2 CD1

On July 6, 2010, Senate Bill No. 2545, entitled "A Bill for an Act Relating to Intoxicating Liquor" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill has several purposes. First, it creates a new class of liquor license to regulate certain "bring-your-own-beverage" establishments. Second, it changes the conditions of Class 14 brewpub licenses on brewpubs. Third, this bill attempts to create an exemption to the liquor liability insurance requirements for certain retail dealers.

The provisions of this bill regarding bring-your-own-beverage (BYOB) establishments, balances the right of the public to peace and safety with the right of the business community to operate without unduly burdensome regulation. The brewpub amendments contained in this bill are also satisfactory.

Unfortunately, I find the last portion of this bill more emblematic of the legislation that typically reaches my desk. During the 2009 session, the Legislature passed Act 177, which imposed a blanket requirement for $1,000,000 in liquor liability insurance for hundreds of local businesses. In my Statement of Concerns, I noted that the bill would likely put some small establishments out of business.

The measure now before me, Senate Bill No. 2545, incorporates an attempt to mitigate the adverse impacts of last year's Act by creating an exemption for certain businesses. Unfortunately, the language is poorly

drafted. Exempting "convenience minimarts" without a clear definition of what a "convenience minimart" is creates confusion and is unlikely to help the small businesses that need it the most. This bill makes a feeble attempt at defining a "convenience minimart" as a "mom and pop store," but also fails to define what qualifies as a "mom and pop store." Does this automatically exclude unmarried owners of small convenience stores or persons who are related but not married? This ambiguity is unfortunate because it involves the livelihood of island families.

However, because of the multi-faceted nature of this bill, a veto of this measure would stifle the beneficial provisions. The flawed language in this bill regarding liquor liability insurance will have to be corrected in a future legislative session. The public would be better served if the Legislature considered the impacts of burdensome regulation before enacting laws, not afterwards. This would avoid multi-year attempts at fixing legislation after the fact, as we see here with this bill.

For the foregoing reasons, I allowed Senate Bill No. 2545 to become law as Act 198, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 453, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2698 HD2 SD2 CD1

On July 6, 2010, House Bill No. 2698, entitled "A Bill for an Act Relating to Technology" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require the Director of Commerce and Consumer Affairs to promote telework and the expansion of broadband services in the State. This bill also requires the administrator of the Department of Commerce and Consumer Affair's Cable Television Division to: (1) convene and chair the Telework Promotion and Broadband Assistance Advisory Council and advise the Department of Commerce and Consumer Affairs on promoting telework and broadband services in the State, and (2) convene a work group to discuss and develop procedures to streamline the State and County permitting process for broadband services. This measure also appropriates moneys from the Compliance Resolution Fund for fiscal year 2010-2011 to fund telework and broadband activities, and requires DCCA to report annually to the legislature on all expenditures of federal moneys received pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009.

This bill represents a modest approach to the advancement of broadband services in the State of Hawaii. Far more comprehensive broadband initiatives were under consideration by the Legislature, including proposals introduced by the Senate Majority, House Majority, House Minority, and this Administration. These alternative proposals recognized the evolution and convergence of telecommunications technology by consolidating regulation of communications services (cable and telephone) under a new Hawaii Communications Commission, in order to expedite the availability of the latest communications services at the earliest possible time to Hawaii's residents. The Commission would have been funded from existing fees and would have been directed to achieve transformational goals, including creating broadband access on a competitive basis at reduced prices, increasing service penetration and quality, streamlining the permit process, and providing access to businesses and residents by 2012 at prices and speeds that would have made Hawaii a world leader. Regrettably, the Legislature decided to pass this bill instead, which, although helpful, is primarily concerned with promotion, advocacy and advice with respect to broadband matters.

Additionally, this measure adds functions related to telework to the responsibilities of the Department of Commerce and Consumer Affairs that are not a part of its core mission. The Department's function is to protect consumers from unfair business practices while "upholding fairness in the marketplace." The Department's mission does not and should not include promoting telecommuting by state and county employees.

For the foregoing reasons, I allowed House Bill No. 2698 to become law as Act 199, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 454, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2548 SD2 HD1 CD1

On July 6, 2010, Senate Bill No. 2548, entitled "A Bill for an Act Relating to Information Technology" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish the position of Chief Information Officer within the Office of the Governor, create an Information Technology Steering Committee within the Governor's office, and set up a Shared Services Technology Special Fund to be funded by an unspecified percentage of central services fees. This bill also requires the Governor to submit a report to the 2011 Legislature recommending the state agency to house the Chief Information Officer, the funding level for the special fund, and legislation necessary to implement the Governor's recommendations.

I support improvements in Information Technology (IT) management and my Administration has demonstrated this through leadership that has automated numerous state functions that now allow the public to interact with state agencies electronically. We have also consolidated State Information Technology functions and enhanced the functions of the Information and Communication Services Division (ICSD) within the Department of Accounting and General Services (DAGS).

This legislation raises legal, fiscal and structural concerns that will need to be addressed in future legislation.

First, by failing to place the Chief Information Office and Steering Committee within a principal department, this bill likely violates Section 6 of Article V of the State Constitution which requires all executive offices, departments and instrumentalities of the State to be allocated within one principal department. A permanent location will need to be found for this office, which is recognized by this bill since it instructs the next Governor to determine where the function should be located.

Further this bill does not appear to provide an organizational structure or framework within which the Chief Information Officer can effectively manage and oversee statewide information technology governance. This bill has the Chief Information Officer bypassing the Director of DAGS and supervising the Department's ICSD. This creates reporting difficulties for the ICSD staff and will blur the lines of accountability for information technology functions.

Additionally, the special fund established in this bill does not meet the requirements of Section 37-52.3 and 37-52.4 of the Hawaii Revised Statutes which require such funds to have a clear nexus between the benefits sought and the charges levied. The bill does not create an appropriate means of financing the information technology functions.

Fortunately the Legislature recognized these failings and the measure contains language asking the Governor to propose legislation to correct these flaws.

For the foregoing reasons, I allowed Senate Bill No. 2548 to become law as Act 200, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 455, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2817 SD1 HD1 CD1

On July 6, 2010, Senate Bill No. 2817, entitled "A Bill for an Act Relating to Solar Energy Devices" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require private homeowners associations to revise their rules by July 1, 2011, so as not to impose conditions or restrictions that render a solar energy device more than 25 per cent less effective; increase the cost of installation, maintenance, and removal of a solar energy device by more than 15 per cent; or until June 20, 2015, require an encumbrance on title because of the placement of the solar energy device.

Solar energy technology remains an integral part to achieving Hawaii's 70% clean energy goals by 2030. I believe that facilitating access to and expanding the use of renewable energy technology, such as solar energy panels, helps the community achieve this critical goal.

However, I am concerned that this bill gives too much latitude to homeowners in community, condominium, and apartment associations. The legislation fails to address installation and placement of solar energy devices and does not consider the necessity for association control over common areas and structural elements. This bill impacts the planned community associations' ability to monitor community aesthetics and uniform conditions which may adversely impact the property values of homeowners.

Further, the bill would limit the ability of homeowner associations for a period of five years to ensure that the liability and costs of these devices are properly borne by the individual homeowner who benefits from its installation. Exposing homeowners associations to the electrical costs, repairs, maintenance and possible damage caused by a solar device without recourse to take action against the homeowner's property could create undue fiscal and legal liabilities.

For the foregoing reasons, I allowed Senate Bill No. 2817 to become law as Act 201, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 456, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2386 HD1 CD1

On July 6, 2010, Senate Bill No. 2386, entitled "A Bill for an Act Relating to the University of Hawaii Capital Improvements Program Project Assessment Special Fund" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to create a University of Hawaii Capital Improvements Program Project Assessment Special Fund to cover certain administrative costs, including staff salaries, involved in carrying out capital improvements program projects managed by the University. The special fund is to be funded by assessments made on capital improvement projects that are managed by the University.

My Administration remains concerned with the practice of using borrowed funds to pay short-term costs, such as salaries and administrative expenses. Such a practice increases the debt burden of a jurisdiction, is misleading regarding the current and future costs of government operations, and results in considerably higher operating costs when both principal and interest are calculated as part of the carrying costs for these personnel.

I am also concerned that the special fund does not meet the requirements of Sections 37-52.3 and 37-53.4, Hawaii Revised Statutes, including: 1) reflecting a clear nexus between the benefits sought and the charges made; 2) providing an appropriate means of financing for the program or activity; and 3) demonstrating the capacity to be financially self-sustaining.

For the foregoing reasons, I allowed Senate Bill No. 2386 to become law as Act 202, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 457, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2084 HD1 SD1 CD1

On July 6, 2010, House Bill No. 2084, entitled "A Bill for an Act Relating to the Federal Disproportionate Share Hospital Funds" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to extend the lapse date to June 30, 2011 for a $12,291,054 appropriation out of the general fund authorized by Act 23, Special Session Laws of Hawaii 2009. The appropriation would serve as a State match required to access $15 million in federal funding available through the federal Disproportionate Share Hospital payment program.

Although the purpose of this bill holds merit, the State general funds continue to show revenue levels considerably below operating costs. As a result the State has had to postpone making payments, cut funding to selected programs, and reduce staffing. The state's six year financial plan reflects the assumption that money lapses. Since the appropriation in Act 23 was valid until June 30, 2010 but this bill did not take effect until July 6, 2010, after the lapse date, the provisions of this bill are effectively moot.

I am proud my Administration has found innovative approaches to drawing down additional federal Medicaid money through a special waiver program arranged by the State Department of Human Services. Hospitals in Hawaii have received a total of $84 million in additional federal money since 2005, including $14.4 million in fiscal year 2010 to help cover charitable and uncompensated care. Using federal rather than State funds to help our hospitals is the most prudent approach during these lean budget times.

For the foregoing reasons, I allowed House Bill No. 2084 to become law as Act 203, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 458, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2461 SD2 HD2 CD1

On July 6, 2010, Senate Bill No. 2461, entitled "A Bill for an Act Relating to Transportation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to raise the rental motor vehicle customer facility surcharge from $1.00 per day to $4.50 per day, effective September l, 2010; and appropriate funds from the Rental Motor Vehicle Customer Facility Charge Special Fund for the planning, design, and construction of consolidated rental car facilities at our state airports.

I support the State Airport Modernization Plan and other initiatives that improve motor vehicle facilities and services at Hawaii's airports. This not only attracts visitors and businesses to Hawaii, but also improves our state's reputation as a world class destination.

I previously expressed concern about the fiscal impact of Act 226, Session Laws of Hawaii 2008, which established the $1.00 per day surcharge on car rentals at Hawaii airports. I continue to have reservations with this bill because the significant impact of $4.50 per day surcharge may negatively affect the visitor industry by increasing the cost of vacationing in Hawaii. The fee would cost an additional $45,000,000 per year and comes at a time when the State is trying to encourage and support visitor arrivals, not make it more costly to come and enjoy Hawaii.

In addition, I also note that the surcharge special fund will lose an estimated $1,700,000 in revenue during the months of July and August 2010, after the current $1.00 surcharge is repealed on July 1, 2010 and before the new $4.50 surcharge is imposed on September l, 2010.

For the foregoing reasons, I allowed Senate Bill No. 2461 to become law as Act 204, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 459, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2774 HD2 SD2 CD1

On July 6, 2010, House Bill No. 2774 entitled "A Bill for an Act Relating to Human Services" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purposes of this bill are to lift the restriction on the use of generic psychotropic medications for patients on Medicaid; to adjust the state death benefit to match the Federal Social Security Administration death benefit; and to limit the ability of the Administration to effectively use Medicaid moneys to address job creation and economic recovery.

The lifting of the restriction on the use of generic brand medications will help address the growing costs of prescription drugs for those patients that rely on psychotropic medicines. Requiring the State to only pay for brand name medications has placed an undue cost on the program without any proof that lower-cost generic drugs can not satisfactorily treat these patients.

Likewise, the bill ensures that the relatives of low-income individuals receiving government assistance payments receive similar lump sum amounts when the recipient passes away. This will have a modest cost savings for the state and provide equity in the treatment of these individuals who receive public assistance.

It is troubling that this bill contains a restriction against allowing my Administration and the next Administration to propose creative ideas on the use of federal and state Medicaid funds. Earlier this year, with the approval of senior federal officials in Washington DC, we launched the Hawaii Premium Plus program. This program allows the State to use Medicaid funds to help offset the health care costs of new employees. This helps overcome one of the barriers employers face when deciding whether to hire or rehire an individual during difficult economic periods.

I am pleased that the program was approved by the Centers for Medicare and Medicaid Services (CMS) and the Department is working with local employers to start the hiring process. I am concerned that the ambiguities created by this bill's language made some businesses hesitant to participate and has cost us precious time in starting to enroll the unemployed in new jobs. This is indeed unfortunate, since getting people off of unemployment and back into the work force should be our united goal.

It should be noted that based on our legal analysis of this measure, we conclude the funding cap applies only to the state portion of the funds that will be spent for the Hawaii Premium Plus program.

For the foregoing reasons, I allowed House Bill No. 2774 to become law as Act 205, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 460, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 466 SD2 HD1 CD1

On July 6, 2010, Senate Bill No. 466, entitled "A Bill for an Act Relating to Pollution" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to ban the use of leaf blowers in or around residential areas except, between 8:00 a.m. to 6:00 p.m. on Mondays through Saturdays and 9:00 a.m. to 6:00 p.m. on Sundays and state or federal holidays. This bill also prohibits persons from operating a leaf blower in such a way that debris is deposited onto adjacent properties or public rights of way. The bill imposes a maximum fine of $500 on violations. This ban does not apply to government entities operating leaf blowers and is effective July 1, 2010.

Although leaf blowers can be a nuisance, it is unfortunate that a specific type of landscaping equipment is being considered for regulation by law because neighbors cannot communicate with each other, or do not have the common courtesy to operate this equipment responsibly. Moreover, it is uncertain whether enforcement of this ban will be effective since leaf blowers are portable and citations cannot be issued without proof of violations.

However, the exceptions provided for in this ban still allow landscaping companies to operate during regular business hours and allows homeowners to do yard work on weekends and holidays.

For the foregoing reasons, I allowed Senate Bill No. 466 to become law as Act 206, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 461, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2283 HD2 SD1 CD 1

On July 6, 2010, House Bill No. 2283, entitled "A Bill for an Act Relating to Public Procurement" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to require public employees, and actual or prospective bidders, offerors, contractors, and businesses, when participating in public procurements, to do so in an ethical manner. The bill provides for specific ethical standards.

I support ethical practices in public procurement. This measure is redundant of existing administrative rules. Similar standards of ethical behavior are already required of public procurement participants by Hawaii Administrative Rule section 3-131-1.02. Consequently, this bill is another example of unnecessary legislation.

For the foregoing reasons, I allowed House Bill No. 2283 to become law as Act 207, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 462, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2165 SD1 HD2 CD1

On July 6, 2010, Senate Bill No. 2165, entitled "A Bill for an Act Relating to Private Guards" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to impose new registration, training, classroom instruction, education, and criminal history requirements for all guards and employees of guard agencies who act in a guard capacity. In so doing, this measure repeals the current regulatory exemption for guards who are employed solely by an employer in connection with the affairs of the employer. The new registration requirements take effect July 1, 2013, and are repealed on July 1, 2016.

Raising the professional standards for security guards in Hawaii is an admirable goal. However, I have concerns about some of the impacts of these new registration requirements on business and industry in Hawaii, as well as the amount of state resources it will take to implement these new requirements.

First, the costs associated with guard services for certain private employers will likely increase since this bill mandates that the guard employees of any private business entity that provides its own in-house guard services are now subject to regulation. Some members of the retail industry have indicated that these new requirements are manageable, and believe that rule-making by the Board of Private Detectives and Guards will afford them the opportunity to craft appropriate procedures to implement these new registration requirements. I support them in this effort.

Second, there are cost and staffing implications for the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, an estimated 10,700 individual guards will require registration. Prior to implementation of the new registration requirements, the Division will need the staff and resources to meet these demands. Given current fiscal realities, this may not be the best use of limited resources. Moreover, this bill would require the establishment of procedures to register all guards, promulgation of rules to effectuate this measure, and the expenditure of moneys for implementation, only to have the law sunset on July 1, 2016.

Third, it may not be appropriate to apply these new registration and training requirements to armored car guards. Guards in the armored car industry have their own training standards, as the function of armored car guards is substantially different from the duties of other security guards. Consequently, the public and the industry would likely be better served with separate training requirements for armored car guards. I encourage stakeholders in the armored car industry to become involved in the rulemaking process, so that their concerns might be addressed. Additionally, there is still time to address these and other concerns via statutory amendment prior to implementation of the new registration requirements in 2013.

For the foregoing reasons, I allowed Senate Bill No. 2165 to become law as Act 208, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 463, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 979 HD1 SD1 CD1

On July 6, 2010, House Bill No. 979 entitled "A Bill for an Act Relating to the Environment" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill temporarily authorizes moneys from the Special Land and Development Fund and the Land Conservation Fund to be used for invasive species control and to promote reforestation.

Although species control, erosion control and reforestation are worthwhile activities, it is not appropriate to fund these programs at the expense of other high priority public projects and activities. The Land Conservation Fund is used to protect cultural, natural and historic resources through the purchase of private lands where these resources are located.

The Special Land Development Fund supports the operations of the Office of Conservation and Coastal Lands. I am particularly concerned that this fund also supports our Dam Safety programs that should remain a high priority with sufficient funding to protect the safety of the public. It would have been better if the Legislature had identified alternative sources of funding for invasive species control and reforestation projects.

For the foregoing reasons, I allowed House Bill No. 979 to become law as Act 209, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 464, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1665 HD1 SD2 CD1

On July 6, 2010, House Bill No. 1665, entitled "A Bill for an Act Relating to Hawaiian Fishponds" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

Under current law (171-52 HRS) land acquired by condemnation that is in excess of the needs for which condemned, may be disposed of by the Board of Land and Natural Resources. This bill would prevent the Department of Transportation from asking the Board to dispose of two parcels that contain fishponds even though they were acquired by condemnation and are excess to the Department's needs.

While I understand the cultural and economic significance of preserving existing Hawaiian fishponds, I am concerned this bill will require the Department of Transportation to continue to maintain these properties when it has limited resources to do so.

The Department of Transportation has not been successful in convincing other government agencies to assume responsibility for these fishponds which require considerable maintenance. Federal law requires the Department to be compensated at fair market value for parcels which are acquired using federal funds. When a parcel is transferred, the fair market value must be recouped via another piece of land of equal or greater value. This bill did not address the fair market value issue and does not provide a mechanism to allow the transfer of these fishponds to another entity.

Given that the sale of state lands is currently subject to approval by the Legislature through concurrent resolution pursuant to chapter 171-64.7, Hawaii Revised Statutes, this measure also does not increase the protections for government-owned Hawaiian fishponds since the Legislature already retained the power to preserve them through their authority to approve or disapprove land sales.

For the foregoing reasons, I allowed House Bill No. 1665 to become law as Act 210, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 465, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2003 HD3 SD2

On July 6, 2010, House Bill No. 2003, entitled "A Bill for an Act Relating to Campaign Financing" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The primary purpose of this bill is to repeal and recodify, Chapter 11 of Hawaii Revised Statutes, the campaign spending laws.

I understand the need for a recodification of the campaign finance statute, and support such efforts to clarify their applicability. Nevertheless, although this measure is improved from House Bill No. 128 HD1 SD1 CD2, that I vetoed last year, it still retains certain provisions that were grounds for that veto with which I still have concerns. It also contains new provisions that raise equity issues.

First, this bill increases the limit on campaign contributions by nonresidents from the twenty percent presently specified in section 11-204.5, Hawaii Revised Statutes, to thirty percent of the total contributions received by a candidate or candidate committee in an election period. The Administration has taken the position that full disclosure of all contributions both Hawaii and mainland-based is more appropriate than artificial or politically-motivated limits on these contributions.

Second, this bill adds a new section that requires corporations to file reports with the Commission if they give donations of $1,000 or more in the aggregate. However, this provision does not apply to labor unions or related associations that may also contribute and who, as a matter of equity, should be subject to the same reporting requirements.

For the foregoing reasons, I allowed House Bill No. 2003 to become law as Act 211, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 466, dated July 7, 2010, informing the House that on July 6, 2010, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2318 HD2 SD1 CD1

On July 6, 2010, House Bill No. 2318, entitled "A Bill for an Act Relating to the Homeless" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to establish the Housing First Special Fund in the state treasury. Deposits to this special fund are to come from appropriations from the Legislature and gifts, donations, and grants from public agencies and private persons. The bill provides that each county may provide matching funds.

The bill also requires the Hawaii Public Housing Authority (HPHA), and the Department of Human Services, in consultation with the United States Department of Housing and Urban Development, to implement Housing First programs and services, as deemed appropriate, subject to the availability of funds.

Addressing the needs of the homeless has remained a priority for my Administration. Since 2006 we have built emergency shelters and transitional facilities to address the needs of families with children and adults who seek a clean, safe place to sleep at night. We have partnered with non-profit, private and faith-based organizations to establish a continuum of care that has provided pathways for thousands of families and individuals to move out of homelessness. But we also are cognizant more needs to be done.

This bill recognizes there are those within the homeless community who have been without shelter for extended periods. Many of them suffer from substance abuse or mental health issues. This measure attempts to address the needs of these chronically homeless but fails to provide sustainable, long term funding to tackle this problem.

This bill establishes the Housing First Special Fund, but does not contain an appropriation. Although $1,000,000 is appropriated out of the Emergency and Budget Reserve Fund through Senate Bill No. 2469, such funding is limited to only one year. A successful Housing First program would need to have dedicated funding for more than a year. Further it would be inappropriate to fund Housing First programs at the expense of current programs that serve those with children and those who are "clean and sober."

I am also concerned with the vague terminology in this measure. The bill defines "chronically homeless" as "a homeless individual who has an addiction or a mental illness, or both." "Addiction" and "mental illness" are undefined. The resulting impact of the definition of "chronically homeless" is that it is very broad. The definition covers individuals who have any kind of addiction or mental illness and do not have a home, regardless of the length of time or number of times spent without a home. Further, the bill fails to exclude persons who have the resources to rent or who have access to other housing alternatives. This does not serve the purpose of servicing the truly chronically homeless.

We should not underestimate the resources it will take to address this fact. I urge the departments involved to develop a reasoned, realistic funding plan that can be implemented over the coming years to mirror the

progress we have achieved to date in helping families, children and adults to regain a place to live.

For the foregoing reasons, I allowed House Bill No. 2318 to become law as Act 212, effective July 6, 2010, without my signature.

Sincerely,
/s/ Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 467, dated July 8, 2010, transmitting the Department of Land and Natural Resources' report on Implementation Of Chapter 190D, Hawaii Revised Statutes, Ocean And Submerged Lands Leasing in response to Section 12 of Act 176, Session Laws of Hawaii 1999.

Gov. Msg. No. 468, dated July 15, 2010, transmitting the 2009 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 469, dated July 21, 2010, transmitting the Department o f Taxation's Annual Report 2008-2009 as required by section 231-3(8) Hawaii Revised Statutes (HRS).

Gov. Msg. No. 470, dated July 19, 2010, transmitting the Dairy Industry Strategic Plan as required pursuant to Act 46, Session Laws of Hawaii 2008.

DEPARTMENTAL & MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER THE ADJOURNMENT OF THE 2010 LEGISLATURE SINE DINE

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 71 through 74) were received by the Clerk and were placed on file:

Dept. Com. No. 71, dated May 19, 2010, from Marion M. Higa, State Auditor, transmitting their 2009 Annual Report.

Dept. Com. No. 72, dated June 7, 2010, from Marion M. Higa, State Auditor, transmitting the report, Program and Management Audit of the State's Purchasing Card Program.

Dept. Com. No. 73, dated June 16, 2010, from Marion M. Higa, State Auditor, transmitting the report, Audit of the Department of Public Safety, Sherriff Division.

Dept. Com. No. 74, dated July 7, 2010, from M.R.C. Greenwood, University of Hawaii System, transmitting the Report on a Security Breach at the University of Hawaii at Manoa, per Section 487N-4, Hawaii Revised Statutes.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 13 through 20) were received by the Clerk and were placed on file:

Misc. Com. No. 13, dated April 28, 2010, from Kenneth G. Goodenow, County Clerk, County of Hawaii, transmitting a copy of Resolution 309-10 (Draft 2) which was adopted by the Council of the County of Hawaii on April 20, 2010.

Misc. Com. No. 14, dated May 13, 2010, from Bernice K. N. Mau, City Clerk, City and County of Honolulu, informing the House that Resolution 10-13, urging the Hawaii State Legislature to enact legislation to authorize the county police departments to impound vehicles used to patronize prostitutes, was adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, May 12, 2010.

Misc. Com. No. 15, dated June 8, 2010, from Speaker Calvin K.Y. Say, to Representatives Jerry L. Chang, Denny Coffman, Cindy Evans, Faye P. Hanohano, Sharon Har, Robert N. Herkes, Ken Ito, Mark M. Nakashima and Clift Tsuji, informing them that Pursuant to House Resolution No. 136, HD 1, they are appointed to the investigative committee to investigate the County of Hawaii Department of Water Supply, with the Representative of the Fourth District to serve as Chair and the Representative of the Fifth District to serve as Vice-Chair.

Misc. Com. No. 16, dated June 8, 2010, revising Misc. Com. No. 15, with the Representative of the Fifth District to serve as Chair and the Representative of the Fourth District to serve as Vice-Chair.

Misc. Com. No. 17, dated June 7, 2010, from Susan S. Stepleton, President & CEO, National Center for Parents as Teachers, confirming receipt of House Concurrent Resolution No. 70.

Misc. Com. No. 18, dated July 9, 2010, from Michael Walcoff, Acting Undersecretary of Veterans Affairs For Benefits, Department of Veterans Affairs, acknowledging receipt of House Resolution No. 30.

Misc. Com. No. 19, dated July 20, 2010, from Portia L. Roberson, Director, U.S. Department of Justice, Office of Intergovernmental and Public Liaison, acknowledging receipt of House Resolution No. 140.

Misc. Com. No. 20, dated August 25, 2010, from Michael Walcoff, Acting Undersecretary of Veterans Affairs For Benefits, Department of Veterans Affairs, acknowledging receipt of House Resolution No. 82.