

TWELFTH DAY

Monday, February 7, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Father Arnel Soriano of Saint Joseph Church, Waipahu, after which the Roll was called showing all Members present with the exception of Representatives Brower, Ito and McKelvey, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 123) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 123, dated January 26, 2011, transmitting the Annual Evaluation of the Hawaii Unemployment Compensation Fund for fiscal year ending June 30, 2010, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-126.5, HRS, and Act 110, SLH 2007.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 6) was received and announced by the Clerk:

Sen. Com. No. 6, transmitting S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on February 4, 2011.

Representative B. Oshiro moved that S.C.R. No. 27, be Adopted, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this Resolution. Thank you. This year marks the 70th anniversary of the attack of Pearl Harbor, the event that led America's entry to World War II. Ten years ago, another attack in New York, Washington DC, and Pennsylvania brought our nation to our knees. Each of us can recall vividly the events in the early morning on September 11, 2001. What happened on that fateful day would shake the foundation of our country and would instantly change the future for our children.

"As a newly commissioned officer in the Hawaii Army National Guard, I knew that my life would forever be changed on that day. The question was no longer if we would go, but when we would go. So when the 29th Brigade Combat Team and the 100th Battalion were deployed in 2004 for the first time since the Vietnam War, we needed to do something and we did.

"In 2005 the Legislature passed Act 21 establishing the Hawaii Medal of Honor. I recalled thinking how we as a state and as the Hawaii State Legislature needed to support the families of our fallen heroes. The Hawaii Medal of Honor was our way of expressing our deepest appreciation to these brave servicemen and women. The magnitude of our decision to create the Hawaii Medal of Honor didn't hit me until I received the call on July 5th, 2005, summoning me to the National Guard headquarters to be the casualty assistance officer for the family of Sgt. Deyson Cariaga who at a very young age of 20 was killed when an improvised explosive device detonated near the humvee he was driving during a patrol in Balad, Iraq.

"As the introducer of the bill that created the Medal, I don't think I fully understood the profound meaning of this medal until I met with Sgt. Cariaga's family. The Hawaii Medal of Honor was not just the medal, but it represents a fallen hero, a family shattered by events half a world away. The Hawaii Medal of Honor is bestowed on those who have touched our islands and have felt the touch of our people. The Medal symbolizes our aloha to those that we have lost. Following our lead, the State of Alaska and the State of New Hampshire both present similar awards to their fallen heroes.

"It has been almost eight years since the War on Terrorism began. Between March 29, 2003 and December 31, 2010 we in Hawaii have lost 284 service members. Today we formally induct 16 service members onto the roll of the Hawaii Medal of Honor. All 16 gave their lives for our freedom in 2010. This year, the Hawaii Medal of Honor will be awarded to family members of these fine men and women at a ceremony held during a Joint Session of the Legislature on Tuesday March 29, 2011 at 2 p.m. in the Senate Chambers. Families will be invited from towns like Bowling Green, Kentucky; Decatur, Indiana; Jonesborough, Louisiana; and Palmyra, New Jersey.

"In offering the Medal of Honor to those who will gather here in memory of those who have fallen, we recognize that they are part of us, part of our *ohana*. The Medal guarantees that they will never be forgotten. I hope that the children of these heroes will one day appreciate the sacrifice that their fathers and their mothers made on behalf of all of us.

"While this Medal can't take away the pain of losing a loved one, it shows that Hawaii will never forget them. Wherever each of these Medals finds its final home, a piece of our hearts goes with it. We truly appreciate what they did for us as Americans so our way of life can continue. I urge passage of Senate Concurrent Resolution No. 27. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. Mr. Speaker, this is probably one of the best pieces of legislation, one of the best gifts, gestures, a substantive way of reaching out to the military that we have. I would ask that the previous speaker's comments be inserted into the Journal as my own, except substitute Iraq Vet, for Vietnam Vet, and for everyone to be encouraged to vote for this. Thank you."

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

"Mr. Speaker, I rise in strong support of this measure. On behalf of my colleagues, as well as the colleagues of Major Takai and I, I think that this is very notable legislation that we pass every year to recognize these individuals. It's the least we can do as a State and as a Body, to recognize these people, these soldiers who paid the ultimate sacrifice.

"I think that we as a Body do not have any problem passing this Resolution. I would like to applaud Major Takai for sponsoring this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.C.R. No. 27, was Adopted.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 50) was received by the Clerk and was placed on file:

Dept. Com. No. 50, dated January 27, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the Department of Budget and Finance and the Office of the Governor.

INTRODUCTIONS

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

Representative Cullen introduced members of his family and friends from St. Joseph Church in Waipahu:

Mother, Mrs. Loretta Cullen;
Brothers, Mr. Troy Cullen and Mr. Shawn Cullen;
Sister, Ms. Rustell Cullen-Utu and her husband, Mr. Ho'ona Utu;
Aunts, Ms. Thelma Lancaster and Ms. Sally Oshiro; and
Cousins, Ms. Karena Yockman and Ms. Liane Miwa.

St. Joseph Church:
Father Arnel Soriano; Sister Jerome Emma Perlas; and Aunty Aurelia Rumbaoa.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

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

(Stand. Com. Rep. No. 40) recommending that H.B. No. 1366, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 41) recommending that H.B. No. 1517, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 1366, HD 1, pass Second Reading and be referred to the Committee on Finance; and that H.B. No. 1517, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. Rep. No. 40, I would like a ruling on a potential conflict caused by my pending appointment and confirmation as Chair of the Public Utilities Commission. I also want to note that the Committee action on this measure happened on February 1st, prior to the appointment and announcement by the Governor."

The Chair responded, stating:

"You will be excused for Stand. Com. Rep. Nos. 40 and 41."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1366, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representative Morita being excused; and

H.B. No. 1517, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Morita being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 42) recommending that H.B. No. 444, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 444, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Mr. Speaker, I just need to request a ruling on a potential conflict. One of my wife's clients is Better Place Hawaii that is trying to put together a network of electrical vehicle charging stations," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I rise in support with reservations. Mr. Speaker, I do realize this bill will be going on to Finance and I just want to make it clear, I absolutely agree with the intent. It is a laudable intent as the mission of our State is to move off of fossil fuels. My concern however, is the impact to the State Highway Fund given the fact that I believe at last count, we're at \$30 million, and given the fact that we currently still get federal funding. For every dollar we provide in State funding, the feds pay 80%. So this is critical for our road projects and infrastructure projects.

"So the Chair of Committee did in fact note in the Committee hearing that it had a minimal impact to the State Highway Fund, but at the end of the day, I still strongly believe that anything that impacts or takes away funding from the State Highway Fund should be heeded cautiously. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 43) recommending that H.B. No. 803, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 803, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'll be voting in opposition to Stand. Com. Rep. No. 43, House Bill 803, Relating to Taxation, which would require \$2 million from the banks to be moved into the Compliance Resolution Fund. I note that the DCCA, the Department of Commerce and Consumer Affairs testified in opposition to this measure. Thank you."

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

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 803, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Marumoto and Ward voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 44) recommending that H.B. No. 802, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 802, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 802, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Marumoto, Thielen and Ward voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 45) recommending that H.B. No. 139, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 139, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 46) recommending that H.B. No. 110, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 110, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 47) recommending that H.B. No.

760, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 760, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 48) recommending that H.B. No. 1005, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1005, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 49) recommending that H.B. No. 1064, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1064, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 50) recommending that H.B. No. 1231, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATION," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 51) recommending that H.B. No. 810, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 810, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 810, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives McKelvey and Souki, for the Committee on Economic Revitalization & Business and the Committee on Transportation presented a report (Stand. Com. Rep. No. 52) recommending that H.B. No. 260, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives McKelvey and Awana, for the Committee on Economic Revitalization & Business and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 53) recommending that H.B. No.

105, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 105, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations on this measure. Just a very brief comment. This is in regards to the every two year audit of our Beijing Office of DBEDT. As we all know, DBEDT through this Office just arranged the first-ever direct flight from Beijing to Honolulu. In fact, they came a week from last Sunday. The future of tourism, Mr. Speaker, is China.

"The Office cost is \$100,000. The audit is going to cost about \$25,000. Mr. Speaker, we know that there's such a thing as going forward, but then we are going backwards. I think if we're going to spend \$25,000 for an audit, maybe let's make it every five years because it doesn't seem to pan out in terms of the numbers. So I would suggest the next Committee, which I think this goes is Finance, that we seriously consider not spending 25% of a yearly budget on an audit."

The Chair addressed Representative Ward, stating:

"It's being referred to the Legislative Management Committee, the next Committee, Representative Ward."

Representative Ward: "Legislative Management Committee, on which I sit. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 54) recommending that H.B. No. 1239, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1239, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. I do stand in support of this measure. However, I do have some reservations as the bill is currently drafted. As my record has shown I have always been supportive of the ferry system, particularly when you come from an area where three islands are connected by a ferry system, it is important. What concerns me with the measure right now is, it would have the State come in and set up and run ferry systems all over the islands.

"What concerns me and my constituents is that this would wipe out Expeditions, which is an existing ferry company that's been doing great work for the people of West Maui and Lanai. I'm hopeful though that the next Committee will look at this, and there is the special fund which is a very good thing. But I think that perhaps the next Committee could look at amending this measure so that private companies that are already fulfilling this role will not be replaced and could avail themselves of the special fund to help cut down operating costs, which of course means lower prices for goods and services between Lanai and Lahaina, as well as in other places. Thank you, Mr. Speaker."

Representative Carroll rose in support of the measure with reservations and that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Fontaine rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this legislation. Not that I'm against us having a ferry in Hawaii. I think that's a good thing. I'm just against the fact that the government will be expanded in order to do this. That it will become a much greater expansion of government in order to run this.

"Also we heard testimony during the Committee hearing that the Department of Transportation really doesn't want to do this. They don't have the expertise in running a ferry system and that would be a big learning curve and it would be very expensive. Thank you."

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

"Mahalo ho'omalua 'olelo kane. E kako'o nei au kēia pila me ke kanalua. Makemake au e ho'okomo ko'u mana'o i loko ka puke hale maka'ainana no kēia pila. Mahalo."

Representative Hanohano provided the following translation:

Thank you, Mr. Speaker. I support this bill. I wish to submit my thoughts in the House Journal for this bill. Thank you.

Representative Hanohano's written remarks are as follows:

"Ho'omalua 'olelo kane, 'o kēia pila ua hō'ole ka po'o no kēia 'aha'olelo no ke kōmike Hawai'i no ka lohe 'ana. 'O kēia pila e pili ana nā mea Hawai'i. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker, Leadership denied the Committee on Hawaiian Affairs a hearing on this bill. This bill pertains to Hawaiian issues. Thank you.

Representative Souki rose, stating:

"Yes, Mr. Speaker, inasmuch as my signature is on this bill, I would wish to know what the good Representative was saying in her native language. Will you please say it in English so I may understand and defend my bill. Otherwise, I cannot defend my bill, madam."

Representative Hanohano rose to respond, stating:

"Mahalo, Mr. Speaker. All I said was that I support this bill, but I just wanted to insert comments to the Journal."

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

"Yes, Mr. Speaker. I thought that the Representative was saying we should go back to the days of canoes to connect to the islands. Well, I don't know if we're quite ready for that. But Mr. Speaker, in rebuttal to what has been mentioned so far. I think the Members should be aware that over 80% of the population of Hawaii wants a ferry, and needs a ferry.

"Farmers support a ferry so that they can move their produce throughout the islands. If you want to have a sustainable agricultural economy, you need something like the ferry to move the food from Molokai and Lanai, to the central areas of Honolulu, or wherever it may be. You need that. We're a state that's surrounded by water. The only connection is by air or boat and we all know that the price of air is exorbitantly high.

"And in regard to Lahaina, I don't believe they would want to have this interisland. I think they want to go to the main islands, and not go between Molokai and Lanai. I hope that kind of dispels your concern. Tell my good friends in Lahaina that it is not the intent of the ferry to meddle in Lahaina's business. Thank you, very much."

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

"Thank you, Mr. Speaker. I rise in support with reservations. I agree with the former speaker in the support of agriculture. We had the honor of visiting farmers with the Chair of Ag on the Neighbor Islands, and they were so clear about needing a ferry. Of course this was a couple years ago. But they need a ferry to be able to bring their products to market. So when we support ag, we probably want to support a ferry.

"I just do agree also with the Representative from South Maui that to expand it as a government ferry. We wonder if it's not best put into private hands. So I ask that the words of the Representative of South Maui be entered as my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1239, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representative Fontaine voting no.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 55) recommending that H.B. No. 1020, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1020, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

"Mahalo ho'omalu 'olelo kane. E kako'o nei au kēia pila me ke kanalua. Makemake au e ho'okomo ko'u mana'o i loko ka puke hale maka'ainana no kēia pila. Mahalo."

Representative Hanohano provided the following translation:

Thank you Mr. Speaker. I support this bill with reservations. I wish to submit my thoughts in the House Journal for this bill. Thank you.

Representative Hanohano's written remarks are as follows:

"O kēia pila ua ha'awi'ole kēia 'aha'olelo no ke kōmike Hawai'i 'o ka 'aina a me ka awa kū moku 'oia nō ke kuleana no ke kōmike Hawai'i. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker. Leadership denied the Committee on Hawaiian Affairs this bill. The land and the harbors are the jurisdiction for the Hawaiian Affairs Committee. Thank you.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 56) recommending that H.B. No. 1012, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1012, HD 1, pass Second Reading and be

referred to the Committee on Public Safety & Military Affairs, seconded by Representative Evans.

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

"Yes Mr. Speaker, I just want to note my support with a little bit of reservations. What Stand. Com. Rep. No. 56 does is it appropriates a minimum of \$2.28 million for security planning for the APEC Conference. I'm a big supporter of the APEC Conference. I believe this is going to be just what our economy needs to provide more jobs and to stimulate the economy and provide business with the opportunity to perhaps enter into new trade agreements with other countries.

"However, I'm starting to get a little concerned that I'm starting to see a lot of the funding bills come through the House of Representatives. Currently there is about \$21 million in National Security Special Events funds to be given to us, to HPD, for this type of planning. And so while we are very excited about APEC, I think we should work very closely with the Governor and the Lt. Governor who has been assigned to maximize our federal funding for the State of Hawaii. So as we finalize our decision on funding the different APEC events, let's first make sure that federal funds are allocated before we spend State funds."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs.

Representatives Nishimoto and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 57) recommending that H.B. No. 1338, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1338, entitled: "A BILL FOR AN ACT RELATED TO THE ECONOMY," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 58) recommending that H.B. No. 1090, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1090, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 243, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 59) recommending that H.B. No. 1095, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1095, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 59, Mr. Speaker. I rise to speak in support of this measure and I commend the Chair for putting an age restriction on people who are passengers on mopeds. They raised the age to be a passenger to be over 12, and this is commendable. To make it parallel with the pickup truck bill however, that one restricts children under 13 from riding in pickup truck beds. So I would urge that this be amended in the next Committee to restrict under 13 as well.

"I do hope the Transportation Chair considers age restrictions on all-terrain vehicles, ATVs, also called off-road vehicles because right now any age can drive them. Any age can be passengers. And they're extremely dangerous. Recently on the Big Island, a 16 year old girl was driving an ATV. Her passengers were her two younger sisters. The 16 year old girl was killed in that accident. The 11 year old was critically injured and flown to Queen's Hospital. The youngest one was treated on the Big Island. So I would caution all of you to allow children to ride in all sorts of vehicles. They could be very dangerous. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 60) recommending that H.B. No. 395, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 395, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

"Mr. Speaker, I rise with mild reservations. Mr. Speaker, this bill gives free tuition to all Hawaiians through the University of Hawaii System. It's a good bill. It's a necessary bill. In fact, we might get some translations of those in this Body who will be able to understand, like the Representative from the Big Island.

"My point of standing and expressing reservations is that if we really want to give the Hawaiians a break, which is very necessary, very important. If we say 100%, we're going to attract unnecessary lawsuits. My suggestion is to the next Committee, which this goes to Higher Ed, is that a means test by which usually all things have a means test. If you're under a certain income, you qualify. But this one is across the board, all the people, all the time. And I think, Mr. Speaker, it's going to probably torpedo it. My suggestion is they put a means into it so it can survive, and it can benefit the Hawaiian community. Thank you."

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

"I just want to note my reservations for different reasons. As the previous speaker stated, this would grant tuition waivers to all Hawaiian students at the University of Hawaii. My reason is more because I have concern of the unintended consequences.

"Mr. Speaker, I am blessed to be the result of a mixed marriage. Through that mixed marriage, my family has witnessed lots of racism; reverse racism, as well as racism against the brown side of our family. When I went to UC Berkeley, it was the height of where certain students, according to what color your skin was, or who you were born to, you had privileges that other students didn't have. Some were also given free tuition just because of the color of their skin. And what I witnessed just at UC Berkeley through this practice was that a new reverse discrimination occurred. My friends who I started there with that were never racist against this particular person of color, left UC Berkeley racist, more than they ever were before.

"It is my hope that when I eventually have kids, that here in the State of Hawaii where we are mixed with so many cultures and religions, and people from all over the world, that we would truly one day get to that point that Martin Luther King talked about, where we will truly be judged by the content of our character, and not by the color of our skin. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 395, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS IN THE UNIVERSITY

OF HAWAII SYSTEM," passed Second Reading and was referred to the Committee on Higher Education.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 61) recommending that H.B. No. 696, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 696, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 62) recommending that H.B. No. 1344, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Health.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 63) recommending that H.B. No. 1483, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1483, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 64) recommending that H.B. No. 895, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AGENCIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 65) recommending that H.B. No. 922, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 66) recommending that H.B. No. 1224, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1224, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 67) recommending

that H.B. No. 402, pass Second Reading and be referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 402, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 68) recommending that H.B. No. 247, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY HOSPITALIZATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 69) recommending that H.B. No. 409, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 409, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I own a company that brokers health insurance," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 70) recommending that H.B. No. 594, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 71) recommending that H.B. No. 129, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 129, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"I'd like to speak in favor of Stand. Com. Report No. 71. And my apologies because I may not get to speak to this bill again. The Perinatal Addiction Treatment of Hawaii Clinic was established in 2006 to help address community and legislative concerns about the lack of effective intervention with pregnant, substance-using women in Hawaii. Rather than

locking these women up and putting their children in State custody, it was proposed at that time by Dr. Tricia Wright, PATH Clinic founder and medical director, that more effective and medically-appropriate ways to address this troubling issue was to treat these women in a respectful and humane medical manner that addressed the many health related needs of these women and their infants and children.

"Four years later, the PATH Clinic has proven itself to be perhaps the most cost effective treatment in the country for substance using pregnant women. Over 94% of women delivering via the PATH Clinic are non-substance using at the time of their baby's birth, and over 95% women retain custody of their infants 8 weeks after delivery, saving the State further cost for child protection and care. PATH also acts as the bridge to treatment for many of their clients who have been unwilling or unable to access substance abuse treatment prior to their PATH experience.

"The array of services developed by the small and modest, but surprisingly comprehensive PATH Clinic provides the women with the support and skills they need in order to be successful mothers and productive adults. The medical cost of caring for one very low birth-weight infant post delivery in Hawaii can be thousands and thousands and thousands of dollars which PATH has more than saved yearly over the past four years of its operation. Please indicate your support for the work of this clinic by voting for this bill. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 72) recommending that H.B. No. 691, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," passed Second Reading and was referred to the Committee on Education.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 73) recommending that H.B. No. 598, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 598, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY ON-CALL PHYSICIANS," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 74) recommending that H.B. No. 484, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 484, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 75) recommending that H.B. No. 613, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 613, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I have the same request as before for a ruling on a potential conflict," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 76) recommending that H.B. No. 507, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 507, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 77) recommending that H.B. No. 772, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was recommitted to the Committee on Human Services.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 78) recommending that H.B. No. 258, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 258, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

The Chair then addressed Representative Cullen, stating:

"Representative Cullen, what is the motion before this Body?"

Representative Cullen: "Stand. Com. Rep. No. 78, to adopt."

Speaker Say: "It is to be pass Second Reading and be placed on the calendar for Third Reading. So you will all have a chance to vote on this on Third Reading."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

ANNOUNCEMENTS

Representative Yamane: "Thank you, Mr. Speaker. On behalf of Representative Mizuno, Senator Green, Ohana Health Plans and myself, we would like to let people know that today, between 12 noon and 4:30 p.m. in Room 423, there will be free screening for kidney disease and blood pressure, and other services. So we would like everyone, if you have the time, to please go to Room 423 to get your kidneys checked and please support those worthy organizations. Thank you."

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
466	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
608	Committee on Health, then to the Committee on Finance
772, HD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 12:42 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 8, 2011. (Representative Saiki was excused.)