

THIRTY-FIFTH DAY

Tuesday, March 22, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Har and M. Oshiro, who were excused.

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

INTRODUCTIONS

At 12:13 o'clock p.m. Representative Coffman requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

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

Representative Chang introduced Mr. Leroy Simms, Athletic Director at Hilo High School.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 289) was announced by the Clerk and the following action taken:

H.R. No. 289, entitled: "HOUSE RESOLUTION HONORING "PAPA" FRED PEREIRA OF THE WAIANAE BOXING CLUB," was offered by Representative Awana.

Representative Awana moved that H.R. No. 289 be adopted, seconded by Representative Chang.

Representative Awana introduced the founder of the Waianae Boxing Club, 'Papa' Fred Pereira who was seated on the Floor of the House, and commended him for being a coach, mentor and role model to the many youth in the community.

Representative Awana also introduced friends seated in the gallery: Coach Blane Yoshida of the East Oahu Boxing Club; and boxer, Mr. Presley Salas of the Waianae Boxing Club.

Representative Chang also commended Coach Fred Pereira for his efforts and accomplishments in the sport of boxing, and for inspiring champions both in the ring, and out.

The motion was put to vote by the Chair and carried, and H.R. No. 289 was adopted, with Representatives Har and Thielen being excused.

The following resolution (H.R. No. 290) was announced by the Clerk and the following action taken:

H.R. No. 290, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING JALEE FUSELIER ON REPRESENTING HAWAII AS MISS HAWAII 2010, AND COMMENDING AND CONGRATULATING THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS 2011 HAWAII STATE HONOREES AND 2011 HAWAII STATE DISTINGUISHED FINALISTS," was offered by Representative Riviere.

Representative Riviere moved that H.R. No. 290 be adopted, seconded by Representative Coffman.

Representative Riviere congratulated 2010 Miss Hawaii, Ms. Jalee Fuselier, and commended her on her many accomplishments and volunteerism in service to our community.

Representative Riviere then congratulated the Hawaii winners of the Prudential Spirit of Community Award for 2011, recognized for their outstanding service to others, who were seated on the Floor of the House.

Representative Riviere introduced Ms. Carly Button, an 8th grade student at Hawaii Technology Academy, 2011 Hawaii State Honoree and silver medallion middle school recipient.

Seated in the gallery were Ms. Button's family: Parents, Mr. Mark and Mrs. Diane Button; brother, Mr. Jack Button; sister, Ms. Hannah Button; grandmother, Mrs. Rosemary Steiss; and aunt, Ms. Linda Polasek.

Representative Coffman then introduced Ms. Natalie Mohr, a senior at Kealahoe High School, 2011 Hawaii State Honoree and silver medallion high school recipient.

Seated in the gallery were Ms. Mohr's family: Parents, Mr. Sanford and Mrs. Tina Mohr; sister, Ms. June Mohr; brother and sister-in-law, Mr. Bubbah and Mrs. Luran Mohr; and *hanai* mom, Ms. Ann Goody.

Representative Riviere introduced Ms. Richel Marie Cole, a senior at Sacred Hearts Academy, 2011 Hawaii State distinguished finalist and bronze medal recipient.

Seated in the gallery were Ms. Cole's parents, Mr. Ricardo and Mrs. Elisa Cole.

Representative Ching then introduced Mr. Kyle Nakatsuka, a senior at Kamehameha, 2011 Hawaii State distinguished finalist and bronze medal recipient.

Seated in the gallery were Mr. Nakatsuka's family: his father, Mr. Craig Nakatsuka; and grandmother, Mrs. Florence Loo.

The motion was put to vote by the Chair and carried, and H.R. No. 290 was adopted, with Representatives Cabanilla, Har and Thielen being excused.

At 12:36 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1020) recommending that S.B. No. 1394, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1394, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Jordan 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 S.B. No. 1394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1021) recommending that S.B. No. 904, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 904, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'd like a ruling on a potential conflict. I work part time for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 904, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1022) recommending that S.B. No. 912, SD 2, 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 S.B. No. 912, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1023) recommending that S.B. No. 1290, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1024) recommending that S.B. No. 985, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 985, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1025) recommending that S.B. No. 806, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 806, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1026) recommending that S.B. No. 1281, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1027) recommending that S.B. No. 1375, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1028) recommending that S.B. No. 1485, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Souki and Herkes, for the Committee on Transportation and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1029) recommending that S.B. No. 1326, SD 2, 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 S.B. No. 1326, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Souki and Herkes, for the Committee on Transportation and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1030) recommending that S.B. No. 98, SD 2, 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 S.B. No. 98, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1031) recommending that S.B. No. 1416, SD 1, 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 S.B. No. 1416, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1032) recommending that S.B. No. 1190, SD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1190, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1033) recommending that S.B. No. 124, SD 1, 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 S.B. No. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1034) recommending that S.B. No. 142, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 142, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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 S.B. No. 142, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1035) recommending that S.B. No. 655, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 655, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1036) recommending that S.B. No. 1549, SD 2, 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 S.B. No. 1549, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker, on Stand. Com. Rep. No. 1036. I stand in support, however I do have reservations with this measure. It's a slight reservation, but one I'd like to note nonetheless. It actually has to do with an amendment that was made on page 13, line 6, which now applies common area maintenance fees for all holders of commercial permits.

"Mr. Speaker, these are some very large costs, most of which are to address impacts by the general public at large. And if you were to

compound these with the existing and future scheduling, also coupled with the damage that these facilities have suffered, it's going to literally be a backbreaker on the business community trying to operate from our small boat harbors. I just would hope that when the Committee on Finance looks at this measure that they can work with the small business community in the State, and with the boaters to address this subsection (c) and perhaps make it inclusive of existing fees. Thank you, very much."

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

"Thank you, Mr. Speaker. With reservations on Senate Bill 1549. Thank you, Mr. Speaker. I just ask Members to consider maybe some unintended consequences of this bill in later decision making. It attempts to address needed repairs and maintenance of ocean recreational facilities such as the Ala Wai Small Boat Harbor.

"In its current form it would allow for commercial vessels at that harbor and I believe that would violate a deed. Deed 196552 between the Territory of Hawaii which was signed by Governor Samuel King and Ala Moana properties enacted back in 1956. The deed states among other things, that the territory shall restrict its use of the marine area for commercial seaworthy marine vessels.

"And in the interest of time, Mr. Speaker, I will just close with that I would prefer that an alternative funding mechanism be in place like increasing the amount of live-aboards at the Ala Wai Small Boat Harbor. The profit from increasing the amount of live-aboards at the harbor would greatly exceed the grand total of over \$140,000 per year that commercial vessels, commercial vessels in other State small boat harbors like Haleiwa, Heeia Kea, Keehi and Waianae combined, generate. It's a difference of almost \$400,000. Thank you."

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

"With reservations. It's my understanding that there's a five-year waiting list for recreational slips in the Ala Wai. It's a well-used harbor and there's a lot of small boats going in and out, and a lot of kids learning to sail. I would suggest that it's more appropriate that we divert or direct commercial activities to Kewalo Basin which is just a mile down the street and has capacity for more usage. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1549, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1037) recommending that S.B. No. 1555, SD 2, 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 S.B. No. 1555, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Jordan 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 S.B. No. 1555, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1038) recommending

that S.B. No. 119, SD 2, 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 S.B. No. 119, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

Representative C. Lee 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 S.B. No. 119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BUILDINGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1039) recommending that S.B. No. 1215, SD 2, 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 S.B. No. 1215, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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 S.B. No. 1215, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1040) recommending that S.B. No. 125, SD 2, 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 S.B. No. 125, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Hanohano 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1041) recommending that S.B. No. 126, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 126, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1042) recommending that S.B. No. 127, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 127, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Coffman, Cabanilla and Chang, for the Committee on Energy & Environmental Protection, the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1043) recommending that S.B. No. 181, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 181, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, I rise in support of this measure. Generally speaking, Mr. Speaker, I don't like mandates from 'Big Brother' or the slippery slope to the 'nanny state,' but this one fits in with, I think, the big picture of the destiny and basically the mandate of, or I should put it as the mantra of my office, a solar on every roof.

"This one actually says if you're going to build a new house starting in 2014, have it fitted for photovoltaic, not as it is now, retrofitted. This is prospective for fitting it out. This like the other mandating of solar water heating, this will now take us to photovoltaic. I think this is exemplary.

"However, Mr. Speaker, my disappointment is that we didn't pass the bill that floated bonds to get the upfront money to get the rest of the 75% of the houses that have neither solar water heating, or photovoltaic. This is a step in the right direction, but I think we're going to have to have the political will to say, 'Yes, we are going to take full advantage of our renewable energy potential.' We are still kind of giving it lip service and not serious consideration. This is a good step in the direction, but in terms of the small guy who doesn't have the funds, we need to get solar on every roof for them also. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 181, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1044) recommending that S.B. No. 1295, SD 1, 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 S.B. No. 1295, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, with reservations. I just think we need to move ahead with addressing the global warming situation as fast as we can. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 155, SD 2, 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 S.B. No. 155, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1046) recommending that S.B. No. 1279, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1279, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto 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 S.B. No. 1279, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1047) recommending that S.B. No. 52, SD 1, 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 S.B. No. 52, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I stand in strong support of this measure. Mr. Speaker, imagine that you're out with your family during the day and you use a public restroom. That night you return home and find images of your children utilizing a restroom on YouTube. This measure will help protect our youth, our most vulnerable, from the prying eyes. With technology the way it is today, microscopic cameras can be placed almost anywhere.

"During the Committee hearing, we heard testimony from a woman whose ex-husband had videotaped her step-daughters secretly. They were ages 14 and 16. They should be treated just like any other sex offender and be put on this registry. So I am in strong support of this, and I hope that it gets proper attention. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 52, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1048) recommending that S.B. No. 1073, SD 2, 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 S.B. No. 1073, SD 2, HD 1, 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 have objections to this particular measure and will be voting no. This calls for fee increases which I think are rather large, and I think it hits primarily small businesses. Certain filings in Circuit and Appellate Court will increase by first, \$25; and then on January 2014, to an additional \$15. And then surcharges in the District Court will increase by \$15; and then in 2014 an additional \$10.

"The money will go to fund an Indigent Legal Services Special Fund and probably for the benefit of Legal Aid Society of Hawaii, which is a very meritorious group. They must find some way to keep alive and viable. But I would much prefer a grant-in-aid rather than establishing a special-funded program. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict. I serve on the Board of Directors for Legal Aid. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1073, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Cabanilla and Har being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1049) recommending that S.B. No. 714, SD 1, as amended in HD 1, 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 S.B. No. 714, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1050) recommending that S.B. No. 573, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 573, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1051) recommending that S.B. No. 815, SD 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 S.B. No. 815, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations on Stand. Com. Rep. No. 1051. I downgraded it from a no vote because this is the Kahoolawe forfeit

anything that flies, floats, or otherwise is equipment that gets close to Kahoolawe. Which is good. We have to protect Kahoolawe.

"However, I think it's a bit of an overkill when we have people who are breaking the law in the seas feeding sharks and having a slap on the wrist. Whereas if you get near or close to Kahoolawe you get, as there was a helicopter that landed there the other day, now it says even helicopters are going to be confiscated.

"And I guess I'm sending a subliminal message to those who didn't want to have those who give shark tours to pay other than \$100 for chumming, because it's a huge problem. It's something that we're neglecting, but yet we're giving great credence to people who I think in the last 12 months had maybe two instances of people infringing upon Kahoolawe. So for those reasons, Mr. Speaker, this is a good bill, but it's an overkill compared to what we're doing with other laws of the sea. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support of the measure. Thank you. There are now websites talking about secret places to visit and there's another measure that's going through to try to address that. But the problem is if Kahoolawe is one of these really exclusive secret places to visit and it's encouraging people to go there illegally, there could be very dangerous consequences.

"I think we have to be very strong in protecting that island and protecting the ability to go onto the island only if you're with a guided group. Because there still is unexploded ordnance, and more than that, the island is very important to the Hawaiian community. So I do support this measure. I think it sends out a very clear signal and we would hope it would stop any of those travel sites from saying, 'Oh we've got a secret place for you to visit.' Thank you."

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

"Thank you, Mr. Speaker, I am in strong support of this measure, however I do have a slight reservation. My record on Kahoolawe has been very clear, both in my past votes, as well as supporting legislation a few years ago to amend the procurement code to allow them to get the necessities easier.

"However what worries me about the bill or concerns me about the way it's written is, there's no reflection of a mental state at all. And it appears to be strict liability in that all you need to do is inadvertently cross into the boundaries or territories of the Kahoolawe Reserve and be subjected to a forfeiture rule.

"I completely understand what the previous Representative from Kailua is saying and I agree with her, that for those who are intentionally or even recklessly doing this, then forfeiture should be allowed as a tool. However to not have those mental states included where one could theoretically be subjected to the forfeiture either by complete inadvertence or accident, it just seems a little bit harsh and could have some unintended consequences.

"And therefore I just hope that when it moves to the next Committee that maybe the discussion could take place on this issue to see if there's a way to ensure that those who are the bad actors, those who are imposing harm are punished with appropriate tools like this. But those who may inadvertently or accidentally, either through emergency or some other action, not be subjected to such a harsh penalty right off the bat. Thank you."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I request a ruling on a potential conflict. I formerly sat on the Commission, and I've represented clients before the Commission on administrative proceedings," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 815, SD 1, entitled: "A BILL

FOR AN ACT RELATING TO ASSET FORFEITURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1052) recommending that S.B. No. 285, SD 2, 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 Committees be adopted, and that S.B. No. 285, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'm in very strong support. This deals with the mobile medical van that we've been trying to get in Kona for eight years. This deals with getting telemedicine and things of that nature. And just for the record, if we had that van in operation on the day of the tsunami, it would have provided very valuable support. So I hope that we can keep moving on this. The management of Kona Hospital changes, it seems like every 30 days, and so I hope that the new head of HHSC will be a strong supporter of the mobile medical van which is supposed to be here in August. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1053) recommending that S.B. No. 1300, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1300, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1054) recommending that S.B. No. 797, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 797, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1055) recommending that S.B. No. 34, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 34, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1056), recommending that H.R. No. 38, as amended in HD 1, be referred to the Committee on Finance.

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

38, HD 1, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1057), recommending that H.C.R. No. 44, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 44, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1058), recommending that H.C.R. No. 5, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON WHETHER THE GOALS AND OBJECTIVES OF HAWAII'S SEX OFFENDER LAWS ARE BEING MET AND WHETHER SEX OFFENDER LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED," was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1059), recommending that H.C.R. No. 46, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT REDUCE THE HARM CAUSED BY THE SALE AND DISPLAY OF TOBACCO," was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Cabanilla and Har were excused.)

THIRD READING

S.B. No. 123, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla and Har being excused.

At 1:04 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 123, SD 1

ANNOUNCEMENTS

At 1:05 o'clock p.m. Representative Rhoads requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

Representative Rhoads, for the Committee on Judiciary and the Committee on Consumer Protection and Commerce requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 595, SD 2, on Wednesday, March 23, at 2:15 p.m. in Conference Room 325, and the Chair "so ordered."

"SB 595, SD 2 is establishing a tax credit equal to 10% of the amount of medical malpractice insurance premium paid by a physician or clinic if they're located in rural area."

Representative Evans: "Thank you, Mr. Speaker, I would like to announce to my colleagues that we're having a reception for those who came with exhibits that were up on the third floor today for our 9th annual Historic Preservation Awareness Day. Governor Abercrombie will be stopping by. The reception is from 1:00 to 2:00 and we invite all our legislators to attend. Thank you."

Representative Ward: "Mr. Speaker, as most of the Members know, I have an intern from Japan. He's been giving updates from his family and friends, and he shocked us all by announcing that a package of batteries was hundreds of dollars. The latest update is that the government has intervened with releasing of petroleum reserves because there's no electricity. Batteries were the only source. And Panasonic has just given 500,000 batteries free to those in need of that.

"So things are stabilizing, and now for only \$46 you can buy a package of eight AA batteries. So the price is down, it's stable, and I think Japan is recovering. We are still collecting batteries in Room 318 and we are greatly appreciative of people's gifts and prayers for Japan as they go through this troubling time. Thank you, Mr. Speaker."

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B. No.

Re-referred to:

1522, Committee on Economic Revitalization & Business, then to
SD2, the Committee on Finance
HD1

ADJOURNMENT

At 1:08 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 23, 2011. (Representatives Cabanilla and Har were excused.)