

THIRTY-SIXTH DAY

Wednesday, March 23, 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 McKelvey, M. Oshiro and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 187) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 187, dated March 9, 2011, transmitting the 2010 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General.

INTRODUCTIONS

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

Representative Luke introduced friends and former pastor, Mr. James and Mrs. Jody White, and their son, Mr. Ezra White with the Abunai 95 Soccer team.

Representative Luke also welcomed former Representative Eric Hamakawa.

Representative Chang introduced Big Island Councilman, Dennis 'Fresh' Onishi.

Representative Aquino recognized the men and women of the Hawaii State Sheriff Division celebrating their 165th Anniversary, and thanked them for their leadership, professionalism and dedication to the safety of our State.

Representative Aquino then introduced the following individuals representing the Sheriffs and the Department of Public Safety:

Acting Sheriff Mr. Shawn Tsuha, and his wife, Mrs. Dahlia Tsuha; Former State Sheriff Mr. John Lum, his wife, Mrs. Karen Lum and son and daughter-in-law, Mr. Joe and Mrs. Jaylene Lum; and Former State Sheriff Mr. Charles Lacaden, his wife, Mrs. Barbara Lacaden, and son, Mr. Frank Lacaden.

Ms. Jodie Maesaka-Hirata, Department of Public Safety Director; and Mr. Keith Kamita, Department of Public Safety Deputy Director of Law Enforcement.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 291) was announced by the Clerk and the following action taken:

H.R. No. 291, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE PEACE CORPS ON ITS 50TH ANNIVERSARY," was jointly offered by Representatives Nakashima and Ward.

Representative Nakashima moved that H.R. No. 291 be adopted, seconded by Representative Ward.

Representative Nakashima congratulated the Peace Corps on 50 years of service, and recognized Hawaii's early involvement with the Peace Corps.

Representative Nakashima then introduced Mr. Kiyoshi Hamakawa who was seated on the Floor of the House, former educator with the Department of Education in Hilo who helped establish the first training center in Hilo.

Representative Nakashima then introduced Mr. Hanakawa's family who were seated in the gallery:

Wife, Mrs. Mikako Hamakawa;
Children, Mr. Bruce Hamakawa and Ms. Donna Paulachak;
Sister, Ms. Sue Blackwood; and
Nieces, Ms. Linda Bodey and Ms. Jean Hamakawa.

Representative Ward also commended the Peace Corps, its volunteers and staff for their service to humanity and for promoting the human value and personal worth of every person you meet.

Representative Ward then introduced the other honorees seated on the Floor of the House:

Ms. Kimberly Biggs, former volunteer in Honduras and current President of the Returned Peace Corps Volunteers of Hawaii;

Mr. Phil Olson, former volunteer in the Philippines, and former head of the UH Peace Corps training programs, statewide;

Mrs. Mary Matayoshi, former staff member of the Peace Corps Training Center and responsible for placement of volunteers; and

Ms. Corie Tanida, recent volunteer in El Salvador and current staff member of the Senate Ways and Means Committee.

Representative Ward then introduced other former Peace Corps volunteers and staff who were seated in the gallery:

Ms. Linda Chock, former volunteer in the Northern Mariana Islands, Micronesia; and

Ms. Ethel Aiko Oda, former training staff psychologist in Hilo, and her husband, Mr. Daniel Anderson.

The motion was put to vote by the Chair and carried, and H.R. No. 291 was adopted, with Representatives Awana and McKelvey being excused.

The following resolution (H.R. No. 292) was announced by the Clerk and the following action taken:

H.R. No. 292, entitled: "HOUSE RESOLUTION RECOGNIZING THE ABUNAI 95 BOYS SOCCER TEAM," was jointly offered by Representatives M. Lee and Yamane.

Representative M. Lee moved that H.R. No. 292 be adopted, seconded by Representative Yamane.

Representative M. Lee congratulated the Abunai 95 Boys Soccer Team for winning the 2010 US Club Soccer National Cup Championship held in Virginia Beach, Virginia, and introduced the honorees seated on the Floor of the House:

Coach Darrin Goo, Director of Coaching at the Abunai Soccer Academy;

Ms. Aundrea Toner, Head Coach of Abunai 95;

Ms. Jensen Toner, midfielder/forward and sophomore at Punahou School;

Mr. Jake Sagami, defender/midfielder and junior at Mililani High School; and

Mr. Jarin Morikawa, goal keeper and sophomore at Mililani High School.

Representative M. Lee also recognized team members, coaches and family sitting in the gallery:

Team Members:

Mr. Guy KJ Ahlo;
Mr. Micah Cabagbag;
Mr. Zachary Carvalho;
Mr. Matthew Fronda;
Mr. Leo Klink;
Mr. Tyler Matas;
Mr. Cameron Metz;
Mr. Andrew Momohara;
Mr. Kazuto Moribe;
Mr. Kouri Nago;
Mr. Renato Torquato; and
Mr. Ezra White.

Team Coach, Mr. Jon Morikawa; Manager, Ms. Julie Sagami; and water boy, Mr. Jet Toner.

Abunai Soccer Academy President, Mr. Randy Prothero; and family and friends of Abunai 95.

Representative Yamane also congratulated the Abunai 95 soccer team and thanked them for inspiring others with their winning spirit, and for representing the town of Mililani well.

The motion was put to vote by the Chair and carried, and H.R. No. 292 was adopted, with Representatives Belatti, Chang and McKelvey being excused.

At 12:37 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1060) recommending that S.B. No. 238, 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. 238, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1061) recommending that S.B. No. 243, 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 Committee was adopted and S.B. No. 243, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1062) recommending that S.B.

No. 244, 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. 244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1063) recommending that S.B. No. 675, 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. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1064) recommending that S.B. No. 809, 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. 809, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1065) recommending that S.B. No. 814, 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. 814, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1066) recommending that S.B. No. 1331, 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. 1331, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1067) recommending that S.B. No. 1386, 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. 1386, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1068)

recommending that S.B. No. 165, 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. 165, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise in favor of Stand. Com. Rep. No. 1068. How many people have heard of the Pacific International Space Alliance? I'm impressed some people have heard of the Pacific International Space Alliance known in brevity for its abbreviation, PISA. That is something that this bill will help launch. It will help us reach out. And Mr. Speaker, this bill is a winner in pushing the economic boundaries of our State basically, internationally. Because of this, all the countries of the Pacific are going to be invited. I think there are six countries already in PISA.

"It's the courtship now that Washington, i.e. NASA has with the State of Hawaii. If we pass this bill and then make the zero turn into hopefully having three, to four, to five, or six zeros, or even seven will make it impressive. Then NASA will know that we're really serious because they are in love with Mauna Kea.

"And if there's an international laboratory that fits the future of space it's the State of Hawaii. So, Mr. Speaker, it's a beginning kick-start of our potential in space. What I'm saying is not out of this world, but that's where it's going. 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. 165, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1069) recommending that S.B. No. 757, 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. 757, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1070) recommending that S.B. No. 112, 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. 112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1071) recommending that S.B. No. 758, 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. 758, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1072)

recommending that S.B. No. 81, 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. 81, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Rhoads and Aquino, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1073) recommending that S.B. No. 1065, 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 Committees was adopted and S.B. No. 1065, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1074) recommending that S.B. No. 1040, SD 1, 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 S.B. No. 1040, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Yes, Mr. Speaker. I stand with reservations on this measure. I'm just concerned about the fines being excessive and the affect that that will have on businesses here in Hawaii. That's my reservation, sir. Thank you."

Representative Thielen 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 Pine 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 an aye vote with reservations for him, and the Chair "so ordered."

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

"Also with reservations. If the fines go higher than 10%, I will vote no. Thank you."

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

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

Representative Har then 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. 1040, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 1078, 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. 1078, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. With reservations. Thank you. I think before I state my reservations which are twofold, I would like to start off by recognizing the intent of the measure. I think all of us in this Body recognize that the EUTF is not functioning in an optimal way, both for the employer and for the worker. So I'm aware of the dysfunction.

"I think principally my concerns with this bill as it's presently drafted, are mostly for the worker. First, because of the current structure of the EUTF and the current problems that are there, I worry that by adding EUTF benefits to the collective bargaining process we may actually exacerbate the ability to arrive at quality and affordable healthcare for our workers. So I don't know that we'll arrive at the intended outcome. In fact, we may engender the exact opposite.

"Additionally, given the budget constraints and where we are in terms of the State position, I worry that this bill also compromises the Governor, and therein the Executive Branch's ability to manage costs, which has an impact for the entire State.

"So it's for those reasons that I would ask that we just continue to take a look at this as it moves forward in Committee recognizing that this may not be a panacea to the problems that we acknowledge exist with the EUTF right now. Thank you."

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

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

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

Representative Ward 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. 1078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 145, 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. 145, 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. 145, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 249, 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. 249, 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. 249, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 281, 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. 281, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 1153, 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. 1153, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Souki and Chang, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 1247, 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. 1247, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Please note my reservations. Everybody knows that Aloha Tower sits on public land and there was no referral of this bill to the Committee on Hawaiian Affairs. Thank you."

Representative Wooley 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. 1247, SD 2, 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 Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 725, 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. 725, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations. Mr. Speaker, this solid waste fee really hurts the environment. I mean, it literally hurts the environment because it disincentivizes taking waste and creating energy. We should be incentivizing anybody who produces energy and gets us away from fossil fuel. Instead this puts the price of doing business even higher. I know the budget is precarious, and I know that there's an alternative budget that's going to be coming out from our side of the aisle which doesn't have this in here.

"This is not necessary. It's contrary to what, as I spoke of the other day, about putting solar photovoltaic on every roof and doing what we politically said we wanted to do, but we've got to put legs to those things. So we need to look at this very carefully when it goes to the Finance Committee and not just disincentivize people who take waste. It's not just any burning in an incinerator, or just getting rid of it. It's using for energy and that's so important and we have to preserve that. So I hope the next Committee will take that into consideration. Thank you."

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

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, 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 Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Ward be entered into the Journal as her 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 S.B. No. 725, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 608, 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. 608, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Please note my reservations. This bill also pertains to public lands and this measure was not referred to the Committee on Hawaiian Affairs."

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

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

Representative M. Lee 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."

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

Representative Takai 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. 608, 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 Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1083) recommending that S.B. No. 217, SD 2, 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. 217, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1084) recommending that S.B. No. 1108, 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. 1108, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1085) recommending that S.B. No. 1025, SD 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. 1025, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1086) recommending that S.B. No. 883, 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. 883, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. This measure is the companion to HB1 which I introduced this Session. HB1 and SB883 seek to designate a new special design Gold Star Family plate for children, parents, grandparents, spouses, and siblings of fallen soldiers.

"The gold star legacy is part of the traditions of our country which is traced back to WWI when an Army Capt. Robert Queissner of the 5th Ohio Infantry created the flags to honor his two sons serving on the front lines in 1917. The flags were quickly adopted by families with sons in the Army.

"With President Wilson's support the Council of National Defenses proposal permitting mothers who had lost a child serving in the war to wear a gold star on a black arm band while in mourning. The black arm band was exchanged for a small flag and the gold star was outlined in a thin blue outline signifying that the service member had died in battle. Service flags were widely used in World War II, as most families had at least one member serving in the military.

"The single most important aspect of the adoption of SB 883 will be this Body's declaration that the Gold Star License Plate represents a life that has been lost and to remind everyone that freedom is not free. What better way to honor the lives of all of our fallen warriors so that they will never be forgotten. This Body has a remarkable record of support for Hawaii's service members and their families.

"The Purple Heart, Combat Veteran, Pearl Harbor Survivor, Prisoner of War License Plate and the precedent-setting creation of the Hawaii State Medal of Honor, presented to the next of kin of those who died in the Iraq and Afghanistan wars, are just some of the ways we honor those who have served our country.

"This measure is simply about our society re-paying a huge debt of gratitude to the families of our servicemen and women who have given their lives for our freedoms. The very essence of our freedom to live in a free society is the direct result of the bravery by those whose heroic acts and deeds this license plate honors. 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. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1087) recommending that S.B. No. 1484, 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. 1484, SD 1, HD 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 Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1088) recommending that S.B. No. 44, 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. 44, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1089) recommending that S.B. No. 1067, 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. 1067, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1090) recommending that S.B. No. 49, SD 1, 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 S.B. No. 49, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1091) recommending that S.B. No. 48, 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. 48, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1092) recommending that S.B. No. 172, SD 2, 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. 172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1093) recommending that S.B. No. 1358, 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. 1358, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1094) recommending that S.B. No. 1357, 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. 1357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1095) recommending that S.B. No. 782, SD 2, 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. 782, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this measure. Thank you. I just wanted to point out to the Members that in fact, this bill is titled broadly, Relating to Dangerous Weapons, but actually it's dealing with the concussion bombs and those types of fireworks that we've been hearing for the past few years.

"And as you all know, APEC is coming this year in November. And one of the concerns that we had last year to address this was how are we going to eliminate these items which are not only dangerous, but also a huge concern for law enforcement and for the Secret Service as well.

"So as this measure goes along, just keep that in perspective. This is a very important measure for our law enforcement as we look towards APEC. But I think it's even more important for our communities as we address those items that don't fit within the definition of fireworks. Thank you, Mr. Speaker."

Representative M. Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong support of the measure. We have all been exposed to the ear splitting noise of homemade 'bombs.' Whether made with dry ice, explosive materials, or parts of other fireworks, these devices can not only hurt and terrorize citizens and animals, but can also be deadly to the maker. It can also have a negative effect on sufferers of Post Traumatic Stress Disorder (PTSD).

"In addition, with the coming of the APEC summit, any device which could mimic gunfire or explosives would be a potential problem; and could lead to lots of negative publicity for the State. It could also lead to confusion and chaos.

"This bill which creates a distinct offense, and separate from offenses under Section 134-8 is needed, especially with the coming of APEC. I encourage the Members' support of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 782, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1096) recommending that S.B. No. 173, SD 2, 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. 173, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1097) recommending that S.B. No. 11, 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. 11, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1098) recommending that S.B. No. 1069, SD 1, 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 S.B. No. 1069, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker and Members of the House, I wish to speak with some reservations on this measure. While I abhor dog fighting and cruelty to animals, I believe the penalty for a spectator as a Class C felony is a bit too much. We as a Legislature in these past years, we seem to be in the habit of passing a lot of Class C felonies and other felonies, and this of course continues to fill the prison system.

"Now I understand that the argument that a Class C felony will not necessarily put a person in jail. You can get probation on a Class C felony, however with a Class C felony on the record you will have some difficulty in locating a job. You'll have difficulty in traveling. Your life will just change tremendously when you have a felony.

"And that has been my concern all these years when we, in a somewhat cavalier fashion, keep on establishing these felonies, and keep on sending people away to prison, or living at home with that felony for the rest of their life. I believe that a misdemeanor will more than suffice because you can get a year or more for being a spectator, and I think that in itself is a very heavy penalty. Thank you, very much."

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

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I'm going to quote a few facts here. Apparently Hawaii, and it's been getting some press, has the weakest laws in terms of dog fighting. It is ranked just about at the bottom for treatment of dogs, animals, and we're the Aloha State. But we've got APEC coming and we want to be all on the same page. But some people may say, 'Well what the heck does that have to do with APEC?'

"Well as a former elementary school teacher, I didn't put dogs in the same category as chickens. What we teach our children to do is be discerning individuals, and dogs serve. The horse can say and claim transportation. The cat can claim a rat or two and some comfort. But no animal serves like the dog. The dog has been in search and rescue missions. If you see the canine demonstrations on Keiki Day. And the dog more importantly embodies those things that we all should be proud of and we should be teaching our children. That's the interest I have in dogs. It's because I used to be an ESL elementary school teacher for ten years.

"And we cannot tell our people, our children just what not to do. We must tell them what they should be, too. We must tell them what to do. The dog for me represents a model, helpful, courageous, service oriented. I remember one colleague of mine saying, hey the pig has high IQ, and we eat pig. But the fact is that a pig trainer once told me there's a huge difference between a pig and a dog. The difference is the pig is geared towards only food. It's greedy for food. But the dog serves for the joy of serving, for serving for the pact. There are so many incidences where dogs have saved lives, have been known to go over a child's body to save it from attack killer bees. It goes on, and on, and on. I don't need to go on.

"Over 40% of Oahu households have dogs. So that's where I'm concerned. What an interesting conflict. 40% of our households have dogs, but we're ranked lowest in the US practically in the way we treat dogs.

"Symbols are important, Mr. Speaker. It's my belief that symbols are important. There are symbols all around us. The dog serves as a symbol of help like the St. Bernard that save lives in the snow. It served in the

military. A dog was honored on the Congressional Floor. And these are the things that we want to tell our children are important. And as a State, I think these are things we stand for.

"So once again, maybe you might think that connection between APEC and this is not very strong, but I'll tell you something. We need to know what we stand for so that people know who we are, and then we attract the right people, and we attract respect to our State. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1069, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1099), recommending that H.R. No. 54, 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.R. No. 54, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO CONTINUE TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1100), recommending that H.C.R. No. 61, 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. 61, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONTINUE TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Souki and Chang, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1101), recommending that H.R. No. 95, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1102), recommending that H.C.R. No. 104, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 95, HD 1; and H.C.R. No. 104, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm standing with reservations on both Stand. Com. Rep. Nos. 1101 and 1102 because these bills have Hawaiian Affairs concerns, fishponds and public lands, and these measures were never sent to the Committee on Hawaiian Affairs. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY

REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused; and

H.C.R. No. 104, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

COMMITTEE REASSIGNMENTS

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

H.R. No.

Re-referred to:

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

H.C.R. No.

Re-referred to:

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

S.B. Nos.

Re-referred to:

27, SD1 Committee on Consumer Protection & Commerce

590, SD1, HD1 Committee on Economic Revitalization & Business, then to the Committee on Finance

671, SD2 Committee on Judiciary

946, SD1 Committee on Judiciary

ADJOURNMENT

At 1:06 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, Thursday, March 24, 2011. (Representatives Belatti, Chang and Tokioka were excused.)