

ELEVENTH DAY

Friday, February 03, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all Members present with the exception of Representatives Awana and Cabanilla, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Ninth and Tenth Days was deferred.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 5) was received and announced by the Clerk:

Sen. Com. No. 5, transmitting H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on February 2, 2012.

INTRODUCTIONS

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

Representative Cullen introduced Mrs. Roseline Josue, a transplant candidate, and her husband, Mr. Derwin Josue.

Representative Cullen also introduced Mr. Glen Hayashida of the National Kidney Foundation of Hawaii; and Ms. Malia Espinda of the Queen's Health Systems.

Representative Yamane introduced Mr. Tobi Solidum, an organ transplant advocate.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading and Final Reading by consent calendar. (Representatives Awana and Cabanilla were excused.)

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 34-12) recommending that H.B. No. 101, HD 1, as amended in HD 2, pass Third Reading.

Representative Chong moved that the report of the committee be adopted, and that H.B. No. 101, HD 2, pass Third Reading, seconded by Representative Evans.

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

"In support with just slight reservations of this measure, Mr. Speaker. What this bill does is it allows electric vehicles traveling no more than 10 miles per hour to be allowed to travel on bike paths and other walkways. I certainly support promoting the use of any type of electric vehicle instead of using gas or fuel. But my only concern is in the drafting of this bill,

there is a provision under the description on the first page that defines what a bicycle is, and it adds new language that describes that a bicycle could propel a vehicle to a maximum speed of 20 miles per hour. So it kind of is in conflict to our purpose of this bill. Hopefully in the final stages maybe we can remove that section because it is a little confusing. And how are we going to control the speed if we're allowing a bicycle to be able to go that fast. Thank you."

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

"Thank you, Mr. Speaker. I'm voting in favor with reservations. I have the very same concerns. And the concern I have is that this does reference a maximum speed of 20 miles per hour on a paved, level surface. I think that when you get pedestrians in the same equation, it could be a safety hazard. Thank you."

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 Committee was adopted and H.B. No. 101, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 49 ayes, with Representative Awana being excused.

At 12:16 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 101, HD 2

H.B. No. 608, HD 3, SD 1, CD 2:

By unanimous consent, action was deferred to the end of the calendar.

REPORTS OF STANDING COMMITTEES

Representatives Souki and McKelvey, for the Committee on Transportation and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 61-12) recommending that H.B. No. 2380, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committees be adopted, and that H.B. No. 2380, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

Representative Carroll's written remarks are as follows:

"In strong support of House Bill 2380, HD 1 which establishes a working group to explore options for reducing the shipping time and costs for transporting goods from Moloka'i and Lana'i to Oahu.

"In 2006 when the SuperFerry was in progress, a huge hardship was placed upon the Moloka'i and Lana'i residents because of the proposed consolidation of wharf space at the Kahului Harbor where space was needed to accommodate the SuperFerry docking. In April 2006, Young Brothers notified its customers of a docket filed with the PUC to discontinue its less-than-container load service (LCL) effective June 2006 at Kahului Harbor. There was little time to react and come up with a fair solution to address this issue. The Moloka'i community came together and letters were sent to the PUC asking them to suspend the docket and a public hearing should be held on this issue before a decision be made.

"The message to the PUC from the Moloka'i and Lana'i community at that time was that it is not an option to stop LCL service to our islands.

About 98% of Moloka'i and Lana'i goods are shipped via LCL. In addition, if the LCL service was to stop, devastation would follow because there are no other freight consolidators, storage or staging areas near the piers that would accommodate its customers.

"Since the decision where PASHA has been granted by the PUC to provide service in the prime areas in the State where their services are being provided, Young Brothers have been forced to request for rate increases to assist them with sustaining their services. This rate increase has had devastating consequences to the customers and specifically Moloka'i and Lana'i.

"This working group that we are trying to establish will address these concerns and look closely at time schedules, cost, needs and impacts to our residents. I urge my colleagues to please support measure and the formation of this working group which will look at ways to improve our shipping industry and meet the needs of our people."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 62-12) recommending that H.B. No. 1787, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1787, HD 1, pass Second Reading and be referred to the Committee on Health, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. In strong support. And let me just say, this is one sweet bill."

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

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I am in support of HB 2100 which would appropriate monies for statewide bee hive research.

"For many years, UH-Hilo has been at the forefront of such research. The work done by Dr. Lorna Tsutsumi of the College of Agriculture, Farming, Natural Resource Management is noteworthy and has garnered support from renowned Chef Alan Wong.

"Honey bees are responsible for crop pollination and their health and well-being are especially important if we truly want to reduce our dependency on imported food. Unfortunately, there are several major pests threatening honey bees in Hawai'i.

"The small hive beetle arrived in the State in 2010 and has been detected on four islands. Its presence compounds the challenges for beekeepers, who are already dealing with the *Varroa* mite since 2007.

"Testimony received in Committee supported this Bill. It has quite a journey ahead so I urge my colleagues support it through the process."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of H.B. 1787-Relating to Agriculture. This bill exempts producers of agricultural products in areas without access to municipal water supplies or infrastructure from processing the product in a certified food-processing

establishment or obtaining a permit from the Department of Health. This bill also sets the qualifying annual gallonage of honey for home-based honey production to an unspecified amount.

"We must procure thoughtful measures available to accomplish a sustainable local agriculture that thrives not only through ingenuity and natural capabilities, but the underpinnings of the local economy. There has been an alarming worldwide decrease in honey bee population due to predators and disease. Honey bees are not only essential for the production of honey and its copious useful products, but for the natural pollination of our indigenous fruits and vegetables. Nothing is harvested naturally without pollinators like the bee. H.B. 1787 will certainly address the declining bee population in Hawaii, and hopefully we may become a national forerunner in this pressing issue.

"It is my hope that this bill will not only extend to the local beekeepers, but to our local cacao farmers as well. As most of you are aware, Hawaii is the lone state within the United States that produces cacao. We must take initiative to do whatever we can to promote this effort. According to a recent Harvard University study, cacao, like honey, contains antibacterial agents. Allowing cacao growers the similar exemptions could work wonders for the cacao industry. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1787, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Health, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 63-12) recommending that H.B. No. 1945, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1945, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 64-12) recommending that H.B. No. 2093, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Higher Education and the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2093, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL EDUCATION," passed Second Reading and was referred jointly to the Committee on Higher Education and the Committee on Education, with Representative Awana being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 65-12) recommending that H.B. No. 2525, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2525, HD 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 stand in favor, and I just want to underline the importance of this bill for the future renewal of energy, not only its development, but it's actually getting onto the grid. It puts the responsibility to measure that, to stand up to HECO if you will, whether the grid can take it or not, to be able to get more, hopefully quicker, and more accessibility for renewable energies, rather than right now saying, 'Well, we got 15%. You can't measure it. You've got to spend \$15,000, \$20,000 to get onto the grid.'

"This hopefully will segregate it to where it will be an up-or-down decision on a scientific basis with our data versus their data. Right now I think it's rather one-sided. So this is a good bill. I hope it moves well, and that there's a consensus to pass it. Thank you."

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 H.B. No. 2525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 66-12) recommending that H.B. No. 2490, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2490, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Thielen 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2490, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 67-12) recommending that H.B. No. 2589, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2589, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Just in strong support. As you know, we've had a boat stuck on our reef now for ten years. And I hope that this can finally get the Department to get it off the reef. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2589, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VESSELS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 68-12) recommending that H.B. No. 2482, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2482, 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 H.B. No. 2482, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY

DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 69-12) recommending that H.B. No. 2612, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2612, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT REVENUE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 70-12) recommending that H.B. No. 2614, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMERCIAL HARBORS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 71-12) recommending that H.B. No. 2320, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 72-12) recommending that H.B. No. 1736, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 73-12) recommending that H.B. No. 2035, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 74-12) recommending that H.B. No. 1965, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1965, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR PHARMACISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 75-12) recommending that H.B. No. 2276, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2276, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. This bill proposes to require any person under the age of sixteen to wear a helmet while operating a skateboard and mandates a fine between \$50 and \$250 for those who violate this rule. Skateboarding is a popular recreational activity among youth in our communities. It is essential for the safety of our *keiki* that they are fitted with the proper equipment to protect them from the risk of head injuries.

"Many of my constituents have expressed concerns about the rising prevalence of skateboard related injuries. According to the Queen's Hospital Trauma Registry, of the 119 patients who were injured while skateboarding between 2006-2010, nearly 40% of the patients were under 16 years of age. The Injury Prevention Advisory Committee states that the cost of treating these injured skateboarders is staggering, with average total charges at \$11.3 million per year. We can prevent these head injuries and expenses by requiring the use of protective head gear by our youth and creating appropriate punishment for violations. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2276, entitled: "A BILL FOR AN ACT RELATING TO SKATEBOARDS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 76-12) recommending that H.B. No. 1955, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1955, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 77-12) recommending that H.B. No. 1960, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 78-12) recommending that H.B. No. 1846, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1846, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WAHIAWA GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 79-12) recommending that H.B. No. 1952, as

amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1952, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"I stand in strong support of H.B. 1952-Relating to Bone Marrow Transplants. This bill appropriates funds, \$500,000, subject to a dollar-for-dollar match in private funds for Hawaii Pacific Health to establish a bone marrow transplant center in Hawaii.

"The importance of this bill cannot be understated. Bone marrow transplants assuredly save lives. With the closing of Hawaii Medical Center's Transplant Institute, critical patients were faced with the daunting task of not only receiving the bone marrow transplant, but facing extensive charges to travel to the mainland without the aid of Medicare or insurance companies. As if it is not difficult enough traveling to a distant medical center, burdened with large finances, bone marrow transplant patients must largely do it without the fundamental tool to healing: friends and family. Imagine experiencing something like this without the support and the simple hand grasp of your mother, your father, sister, brother, daughter, son or friend. It is absolutely imperative that we return bone marrow transplant capabilities to Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONE MARROW TRANSPLANTS," passed Second Reading and was referred to the Committee on Finance, with Representative Awana being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 80-12) recommending that H.B. No. 1830, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1830, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker. Thank you, Mr. Speaker. I stand in strong opposition and would like to make a few comments. Thank you, Mr. Speaker. You know, for the past 4 years while I've sat in these Chambers, bills regarding appraisal have come forward and moved. And as designated in one of the testifiers descriptions of even recent legislation as legally questionable, I wanted to bring this bill to the attention of the Body and just point out the number of individuals, groups, reputable groups that are in opposition to this, including the Land Use Research Foundation, our own Department of Commerce and Consumer Affairs, the Hawaii Appraisal Institute and Hawaii Reserves Incorporated.

"The gist of their opposition is that this bill before us is unnecessary. It violates the intention of the Hawaii Arbitration Law. There is no logical basis to require only appraisers to serve as arbitrators. And the practical effect of this bill is to now require and to throw into question, many, many leases that are currently in the process. But I think the opposition that really crystallizes this for me is the testimony from the Land Use Research Foundation which says that they believe that the intent and application of this bill is unreasonable, unwarranted and anti-business.

"I really urge my colleagues to take a look at this bill and also join with these other testifiers in opposition to this measure. Thank you, Mr. Speaker."

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

"A no vote also. And may I have the words of the previous speaker as if they were my own? And as a footnote to that, that I believe this bill was passed previously by this Body. And if I'm not mistaken, and it was vetoed by the Governor, for the very reasons that were mentioned. Thank you."

Representative Marumoto rose in opposition to the measure and asked that the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Belatti, Hanohano, Marumoto, Saiki and Ward voting no, and with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 81-12) recommending that H.B. No. 1611, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1611, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Awana being excused.

END OF CALENDAR

UNFINISHED BUSINESS

H.B. No. 608, HD 3, SD 1, CD 2:

Representative Chong moved that H.B. No. 608, HD 3, SD 1, CD 2, pass Final Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in strong support. This measure, in immediate accordance of Article VII of the Constitution of the State of Hawaii, it's going to appropriate emergency funds subject to dollar-for-dollar matching funds to support services to perform kidney and liver transplants. Because the Legislature does find that organ transplantation is a lifesaving therapy for many of our critically ill, with end-stage diseases, and funding is critical to maintain a federally recognized Stage 3 chronic disease program. We recognize that more than 110,000 patients are on the national organ transplant waiting list. And over 400 are Hawaii residents. But Mr. Speaker, we're very grateful because diabetes is an overbearing crisis, a tragedy. It's currently costing our State over a billion dollars annually.

"It's on the rise, Mr. Speaker. A third of the population of Hawaii. In fact, it's estimated that one in every two children born after the year 2000 will be affected by this disease, and it oftentimes relies on immediate transplant services. Kidney and pancreas transplants are widely accepted long-term recovery methods for Type 1 and at times, Type 2 diabetes, and it would prove highly imprudent to discontinue such a major avenue for such a severe complication here in Hawaii.

"At HMC we're very proud, now let's not forget, that when we lost this transplant center we lost a piece of history, because it was in 1966 that our own Dr. Livingston Wong, a member of Dr. Hume's transplant team from Harvard Medical School, joined the St. Francis Medical staff. Sister Maureen Keleher was aware of the growing problem of kidney disease and gave Dr. Wong and fellow physicians the green light to start a transplantation program. In '69 he came from Harvard. He joined the St. Francis team in Liliha to perform the first ever kidney transplant in Hawaii, and 9 years later St. Francis established the foundation for bone marrow.

"Mr. Speaker, we know intimately of a hero that sits on our Floor today, who saved the life of a person who served our Chamber so well.

"My friend, Beverlyn Ho who also worked here in the Capitol. She was a 4th generation from Liliha and Palama who many of you who have served many years may remember. She was not so lucky. And had I not been a mother who must preserve my own kidneys for one day taking care of perhaps my own family, I would have considered giving her my kidney.

"What we do in Hawaii is important, and if you had known Bev, she was really special. You would have known how I came to understand this intimately, as more than just a piece of legislation. And so with that, I have much thanks. I want to thank our Governor who expedited this. I want to thank the leadership of the Senate and the House. You, Speaker Say. I want to thank the Chairs who expedited this measure; the Committees, and particularly the Chair of Health for all of his time and effort. To Glen Hayashida and the National Kidney Foundation; to Queen's Hospital; to CJ our current Chief Clerk; to Pat Mau-Shimizu; and to St. Francis Healthcare System."

Representative Fontaine rose to yield his time, and the Chair "so ordered."

Representative Ching continued, stating:

"Thank you. To George Greene of the Healthcare Association, and all who have helped this very important matter. Mr. Speaker, I've walked through dialysis centers, and some of the greatest local people we have are filling those centers from morning till evening. I want to thank this Chamber and all who helped. May I submit additional written comments please," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of H.B. 608-Relating to Health. This bill appropriates emergency funds, \$1.8 million dollars, subject to dollar-for-dollar private matching funds, to be expended by the Department of Health for grants to the Queen's Medical Center to perform kidney and liver transplants and to National Kidney Foundation of Hawaii to maintain its chronic kidney disease management program.

"The importance of this bill cannot be understated. Diabetes presently, has a stranglehold on my district. Native Hawaiians, Filipinos and Japanese have more than twice the rate of diabetes than Caucasians. Hawaii has a much higher prevalence of end-stage renal disease than the national average. Blindness, amputations, kidney disease, and organ failure are all directly related to this disease. There are currently over four hundred patients in Hawaii enrolled in an ever-lengthening organ transplant wait list.

"It would prove tragically imprudent to send our transplant patients a minimum of 2,500 miles away for transplant services. In this modern era of vast technological advances, it is absolutely cold-hearted for an isolated state to be ill-equipped for organ transplantation. It is my firm belief that

this bill is crucial to the health and healing of many of our critically ill family, friends, and residents of Hawaii. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of HB 608, Relating to Health. It's been a longtime coming Members, to get this measure before you. With the help of the Finance Committee, the Finance Chair, the Governor, Queen's Health Systems, the Kidney Foundation and Speaker Calvin Say's Office, this bill was drafted with the specific intent to protect the people of Hawaii. This bill before you will save lives, keep families together and promote healthy lifestyles. It is my hope that this bill will be interpreted broadly, with the funds being used to cover services, operational costs, staffing, renovations, and other support services for the organ transplant program at the Queen's Medical Center.

"Mr. Speaker, we were left in a state of crisis with the closing of Hawaii Medical Center. This closure led to hundreds of patients facing relocation for their medical services, and the loss of a valuable emergency room. Adding to these worries, those facing kidney and liver issues were dealt a heavy blow, knowing that the only Medicaid and Medicare certified center for hospital and kidney transplants would soon be closing.

"In Hawaii alone, there are over 400 people on the organ transplant wait list, 90 percent of which are for issues relating to kidney failure. In addition to those currently on the wait list, it is estimated that 156,000 people in Hawaii have chronic kidney disease, and another 100,000 are 'at risk' for kidney failure. Hawaii leads the nation in chronic kidney disease with a rate 30 percent higher than the national average. Hawaii Medical Center provided treatment services for those facing many of these problems along with providing transplant services, and with its closing, left everyone stranded.

"Without a certified transplant center in the State of Hawaii, our people will be forced to seek treatment at mainland hospitals, where the average wait time for a transplant can range from three to five years. Even if an individual is lucky enough to make it on the waitlist, and then off the waitlist and complete surgery, recovery times for transplant patients can also take upwards to several months. For many patients, a full-time caretaker is often needed to assist them through the transplant process, a role a family member is often forced to undertake due to the high costs of hiring a full-time caretaker. This leaves many families splintered and lives uprooted as our parents, sisters, brothers, family and friends go through the process.

"The need for a new liver and kidney transplant center is dire. HB 608, which works with the National Kidney Foundation of Hawaii and the Queen's Health System, is an investment in the wellness of the State of Hawaii. It is incumbent upon all of us to ensure that our citizens who face serious disease, have the tools and support necessary to improve their quality of life at a reasonable cost with the whole essence of aloha spirit and *ohana*.

"This measure will help Queen's Organ Transplant Program with a \$1.56 million dollar-to-dollar matching fund, and support the Hawaii Kidney Foundation with an additional \$300,000 dollar-for-dollar match. This bill would not be here today in front of you without support from the Governor, Queen's Health Systems, the National Kidney Foundation, the Senate, and my counterpart Chair Green, and the Senate President, but also other people like former Chief Clerk, Ms. Patricia Mau-Shimizu, Ms. C.J. Leong, your staff Calvin Azama and members in the community. Also, those who some of you see up there in the audience today, and members who came to testify, as well as many unsung heroes Mr. Speaker, from the Attorney General's Office to the Department of Health, to people like Mr. Tobi Solidum, who never let this issue rest.

"So for these reasons Mr. Speaker, on behalf of the people of the State of Hawaii, I strongly support this measure. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I'd just like to thank the Chair of Health for all his hard work and guidance in getting this bill through. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of House Bill 608. Hawaii experiences a higher than average rate of kidney disease with one person in seven afflicted with this disease, versus the national average of one person in nine. Native Hawaiians, Filipinos and Japanese appear to be the predominant ethnicities affected by chronic kidney disease. So this certainly is a disease that is not far from any of our homes.

"It is in this spirit that I congratulate the Chair of the Health Committee for his efforts in going through great lengths to ensure passage of this bill, giving hope to the many patients and especially those on the kidney and organ transplant waitlist. He coordinated meetings for a year and a half with various healthcare providers, and continuously consulted with the National Kidney Foundation of Hawaii to monitor events that were unfolding at HMC while proffering efforts and discussions to find a home for the transplant center. His foresight has been right on target, and I salute his efforts, and hope that House Bill 608 will provide the basis necessary to help the people of Hawaii for generations to come. In addition Mr. Speaker, I'd like to adopt the words of the Health Chair as if they were my own. Thank you, very much."

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

"Thank you, Mr. Speaker. I rise in support of House Bill 608. Thank you, Mr. Speaker. I wish to congratulate our Health Chair for his efforts in stewarding this most important piece of legislation through the legislative process, on behalf of the people of Hawaii. Most especially for those with chronic kidney disease, and those who found themselves as one of the 407 who are currently on the organ transplant waitlist in Hawaii who found themselves without a local transplant center. If ever there was a time when action needed to be taken, it is now, to provide the resources to build the necessary infrastructure, meeting the immediate needs of today's patients, while doing our very best to slow down the progression of this debilitating disease through patient surveillance, education, and wellness programs.

"Mr. Speaker, House Bill 608 is a holistic approach to address this healthcare crisis, and it's a positive step in making sure that our healthcare safety net and system remain sound in our care for our *ohana*, now and in the future. Mr. Speaker, I'd like to wish Queen's Medical Center and the National Kidney Foundation of Hawaii the very best in their mission to continue to provide the very best healthcare for our patients and our families. Thank you, Mr. Speaker."

Representative Cullen rose in support of the measure and asked that his written remarks and the remarks of Representative Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Cullen's written remarks are as follows:

"I supported this bill last Session as it provided profound insight into the important future benefits of this measure. I would like to commend the Legislature on pushing forward with this measure and thank Governor Abercrombie for signing this bill. Although no price can be placed on a human life, I believe this bill will not only save lives, but also save our citizens from the exorbitant cost that traveling out-of-state for a transplant could entail. It provides an important benefit to our State, our community and the residents of District 41."

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

"Thank you Mr. Speaker. I just would like to adopt all the words of the previous speakers as if it were my own, with just a brief additional comment. On behalf of the people of Maui and Lahaina, I want to really support what the Health Chair said. This is a statewide thing. This will help all the people of Hawaii. So I just wanted to add my voice on behalf of the people of Maui, to show that this is an important thing for everybody. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 608, HD 3, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 50 ayes.

At 12:42 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 608, HD 3, SD 1, CD 2

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 19) and concurrent resolution (H.C.R. No. 37) were referred to Printing and further action was deferred:

H.R. No. 19, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ADDRESS THE HIGH COST OF INCARCERATION WITHOUT REHABILITATION BY ESTABLISHING APPROPRIATE REHABILITATION PROGRAMS IN LIEU OF INCARCERATION FOR CERTAIN CONVICTED INDIVIDUALS," was offered by Representative Hanohano.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT REQUIRES INTERNET RETAILERS TO OFFER SHIPPING FEES FOR POSTAGE TO ALASKA AND HAWAII THAT ARE COMPARABLE TO SHIPPING FEES FOR POSTAGE TO THE FORTY-EIGHT CONTIGUOUS STATES," was jointly offered by Representatives Tokioka, Aquino, Carroll, Chang, Choy, Cullen, Har, Ito, Kawakami, Keith-Agaran, McKelvey, Nakashima, Yamane and Coffman.

ANNOUNCEMENTS

COMMITTEE REASSIGNMENTS

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

**H.B.
No.** **Re-referred to:**

2523 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 12:43 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, Monday, February 06, 2012.

HOUSE COMMUNICATIONS

House Communication dated February 3, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

H.B. No. 608, HD 3, SD 1, CD 2

OTHER COMMUNICATIONS

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2012 FEB -2 P 2:59

CHIEF CLERK'S OFFICE HOUSE OF REPRESENTATIVES
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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 2, 2012

The Honorable Calvin Say
Speaker of the House of Representatives
Hawaii State Capitol, Room 431
Honolulu, HI 96813

Dear Speaker Say,

I'm most disheartened to tell you that I must resign from the office of Representative of the 33rd District of the State of Hawaii House of Representatives.

When the opportunity arose to apply for this position, I believed that I was physically able to do the job for the people of my district. Regretfully, I was mistaken, and, under the advice of my doctor, am resigning effective February 2, 2012.

It is an understatement for me to say that I am disappointed. At the same time, I realize that the residents of my district deserve the full attention and energy of their Representative.

I humbly thank you and your staff for your tremendous assistance and support and wish you the very best with the legislative session ahead.

Sincerely,

Tom Okamura
State Representative

cc: The Honorable Neil Abercrombie, Governor, State of Hawaii

cc: [clerks/accounting](#)

Representative Tom Okamura
District 33 – Aiea, Aiea Heights, Halawa Heights, Pearlridge, Red Hill
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SPEAKER'S OFFICE