

FORTY-FIRST DAY

Friday, March 30, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:09 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Speaker Calvin K.Y. Say, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Herkes, Manahan and Wooley, who were excused.

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

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 190) was announced by the Clerk and the following action taken:

H.R. No. 190, entitled: "HOUSE RESOLUTION HONORING THE MEMBERS OF WORLD WINGS INTERNATIONAL – HAWAII CHAPTER FOR THEIR DEDICATION TO PRESERVING PAN AMERICAN WORLD AIRWAYS' EXCEPTIONAL HISTORY, FOR PROMOTING HAWAII, AND FOR THEIR PHILANTHROPIC CONTRIBUTIONS TO HAWAII," was jointly offered by Representatives Ito, Aquino, Chang, Chong, Evans, Fontaine, Hanohano, Hashem, Ichiyama, Johanson, Jordan, Manahan, Takai, Tokioka, Tsuji, Ward and Yamashita.

Representative Ito moved that H.R. No. 190, be adopted, seconded by Representative Souki.

Representative Ito commended the World Wings International – Hawaii Chapter, comprised of former Pan American World Airways flight attendants, for their over 40 years of philanthropic contributions to the people of Hawaii.

Representative Souki then introduced the honorees seated on the Floor of the House representing the Hawaii Chapter and thanked them for their caring acts of service as former flight attendants, and as members of our community:

Ms. Leilani McGire, Co-President;
Ms. Susyn Miller-Fritz, Co-President; and
Ms. Betty Santoki, Past Vice President and Fundraising Chair.

Representative Souki also recognized other World Wings International members who seated in the Gallery: Ms. Susan Izumi, Ms. Marsha Lewis, Ms. Merle Miyamoto, Ms. Geraldine Nakamitsu and Ms. Kuniko Ono.

Representative Ching also thanked the flight attendants for the work they do in caring for passengers, as well as our community.

The motion was put to vote by the Chair and carried, and H.R. No. 190, was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

The following resolution (H.R. No. 191) was announced by the Clerk and the following action taken:

H.R. No. 191, entitled: "HOUSE RESOLUTION COMMENDING STREET BIKERS UNITED HAWAII, INC., 40TH ANNIVERSARY," was offered by Representative Chang.

Representative Chang moved that H.R. No. 191, be adopted, seconded by Representative Jordan.

Representative Chang congratulated Street Bikers United Hawaii, Inc. on 40 years of promoting aloha to fellow riders, respect for other motorists, commitment to safe, lawful and courteous riding, and for their many charitable efforts, including the annual Toys for Tots drive.

Representative Chang then introduced the honorees representing Street Bikers United, Inc. who were seated on the Floor of the House:

Mr. Ray Pagan, State Treasurer;
Mr. Rick Davis, Oahu Chapter President; and
Mr. Bruce Paige, Legislative Advisor.

Representative Jordan, as a fellow biker, thanked Street Bikers United for the efforts to promote safety and safe biking.

Representative McKelvey applauded the Street Bikers for their charitable work on Maui, as well as their educational efforts toward safety awareness.

Representative Souki offered his appreciation and aloha in working with the Street Bikers on safety and education efforts.

Representative Evans applauded Street Bikers United for being a strong voice at the Legislature, and for being a part of the discussion on complete streets.

Representative Awana thanked the Street Bikers for their efforts to promote safety and congratulated them on their 40th anniversary.

Representative Marumoto thanked the Street Bikers for their programs to support safety and encouraged them to wear helmets.

The motion was put to vote by the Chair and carried, and H.R. No. 191, was adopted, with Representatives Carroll, Herkes, Manahan, Saiki and Wooley being excused.

The following resolution (H.R. No. 192) was announced by the Clerk and the following action taken:

H.R. No. 192, entitled: "HOUSE RESOLUTION CONGRATULATING HANNIE ANDERSON, DOUGLAS POOLOA TOLENTINO, AND EDITH VAN GIESON FOR BEING SELECTED AS HAWAIIAN CAUCUS 2012 HONOREES," was offered by Representative Hanohano.

Representative Hanohano moved that H.R. No. 192, be adopted, seconded by Representative C. Lee.

Representative Hanohano congratulated the Hawaiian Caucus 2012 Honorees who were seated on the Floor of the House, and commended them for their dedication to ancestry, cultural origin and heritage, and service to the broader community, particularly in the art of *Hui Wa'a* or canoe paddling.

Representative Hanohano introduced Mr. Douglas Pooloa Tolentino, Hawaiian Artist at the Aulani Resort, who was being honored for his preservation and sharing of Hawaiian culture and traditions. He was accompanied by his wife, Mrs. Kelly Tolentino, who was seated on the Floor of the House; and their daughter, Ms. Namahana Tolentino, who was seated in the Gallery.

Representative C. Lee then recognized Ms. Hannie Anderson who was not in attendance, Co-founder of Na Wahine O Ke Kai for her promotion of and contributions to the paddling community.

Representative Awana then introduced Ms. Edith Van Gieson, Co-founder of the Leeward Kai Canoe Club who was being honored for fostering cultural pride and promoting sportsmanship on the Wai'anae Coast. She was accompanied by her family who were seated in the Gallery:

Son, Ryan Van Gieson and his wife, Mrs. Shannon Van Gieson; Grandson, Alfred Van Gieson; Daughter, Mrs. Reena Zonka and her husband, Mr. John Zonka; and Grandson, Rustin Zonka.

Representative Awana also recognized Senator Maile Shimabukuro who was accompanying the Van Gieson family in the Gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 192, was adopted, with Representatives Carroll, Herkes, Manahan, Saiki and Wooley being excused.

At 12:45 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

REPORTS OF STANDING COMMITTEES

At this time, the Chair announced:

"Members, I believe at this point in time, all of you have been invited to a lovely luncheon. I thought we could get out by 1:00. So, I think we're going to probably get out by 1:30 or a quarter to 2:00.

"I did share with the Minority Leader that I would like to go by page for pages 2 through 16. And if there's anyone that would like to insert written comments at this time, I will be more than happy to accommodate the Members of the House on any of these particular Resolutions that are before us.

"For pages 2 to 14, these are not for Adoption, but are being referred to another Committee for further discussion on these Resolutions and House Concurrent Resolutions. The balance of the Resolutions are for Adoption that I will as the Chair, allow you to insert written comments. Or if you do want to speak, you may. I will not deny you the right to speak. So at this point, the Chair recognizes Representative Pono Chong for the motion."

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1354-12), recommending that H.R. No. 59, be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COMPLY IN FULL WITH THE FINDINGS AND RECOMMENDATIONS OF THE OFFICE OF THE AUDITOR'S MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1355-12), recommending that H.C.R. No. 85, be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COMPLY IN FULL WITH THE FINDINGS AND RECOMMENDATIONS OF THE OFFICE OF THE AUDITOR'S MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1356-12), recommending that H.R. No. 67, 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.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Legislative Management, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1357-12), recommending that H.C.R. No. 95, 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.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Legislative Management, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented two reports

(Stand. Com. Rep. No. 1358-12), recommending that H.R. No. 60, be referred to the Committee on Water, Land, & Ocean Resources; and

(Stand. Com. Rep. No. 1359-12), recommending that H.C.R. No. 86, be referred to the Committee on Water, Land, & Ocean Resources.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 60; and H.C.R. No. 86, be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Just in strong support of Stand. Com. Rep. Nos. 1358 and 1359."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 60, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII TO RECOGNIZE MOKAUEA ISLAND AS A CULTURAL AND EDUCATIONAL RESOURCE AND INCLUDE MOKAUEA ISLAND ON THE REGISTER OF HISTORIC PLACES," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO RECOGNIZE MOKAUEA ISLAND AS A CULTURAL AND EDUCATIONAL RESOURCE AND INCLUDE MOKAUEA ISLAND ON THE REGISTER OF HISTORIC PLACES," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1360-12), recommending that H.R. No. 89, 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.R. No. 89, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO CONTINUE RECOGNIZING KULEANA LANDS AS HISTORICAL LANDS AND TO NOT TERMINATE OR WEAKEN THE PROPERTY-TAX EXEMPTIONS FOR KULEANA LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1361-12), recommending that H.C.R. No. 117, 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.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO CONTINUE RECOGNIZING KULEANA LANDS AS HISTORICAL LANDS AND TO NOT TERMINATE OR WEAKEN THE PROPERTY-TAX EXEMPTIONS FOR KULEANA LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1362-12), recommending that H.R. No. 62, 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.R. No. 62, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW THE NATURAL RESOURCES' MARINE MANAGEMENT RULES, CONDUCT NEW PUBLIC HEARINGS ON THE RULES, CONSULT WITH NATIVE HAWAIIAN PEOPLE, AND DETERMINE THE RELEVANCE AND APPLICABILITY OF THE RULES TO PLACE-BASED MANAGEMENT FOR PURPOSES OF ENHANCING VOLUNTARY COMPLIANCE AND PUBLIC PARTICIPATION IN MARINE RESOURCE MANAGEMENT," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1363-12), recommending that H.C.R. No. 88, 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.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW THE NATURAL RESOURCES' MARINE MANAGEMENT RULES, CONDUCT NEW PUBLIC HEARINGS ON THE RULES, CONSULT WITH NATIVE HAWAIIAN PEOPLE, AND DETERMINE THE RELEVANCE AND APPLICABILITY OF THE RULES TO PLACE-BASED MANAGEMENT FOR PURPOSES OF ENHANCING VOLUNTARY COMPLIANCE AND PUBLIC PARTICIPATION IN MARINE RESOURCE MANAGEMENT," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1364-12), recommending that H.R. No. 68, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1365-12), recommending that H.C.R. No. 96, be referred to the Committee on Judiciary.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 68; and H.C.R. No. 96, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I regretfully rise to speak in opposition, however briefly, on HR No. 68 and HCR 96. After 15 years as an understudy with George Kanalele, writing my PhD on Hawaiians and business at the University, I know there's a future for the Hawaiian community. I know there's a destiny for the Hawaiian community. But Mr. Speaker, these Resos will hurt and injure the case of the Hawaiian community, particularly as the Congress reads this. It's going to turn them in another direction, and I don't think it's the direction that the Hawaiian people want to go. For those reasons, I am in opposition."

Representative McKelvey rose in opposition to both measures and asked that the remarks of Representative Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in opposition to both measures 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 opposition to H.R. 68 and H.C.R. 96, relating to entitlements for "Hawaiian nationals." These Resolutions loosely define "Hawaiian nationals" to include: a) lineal descendants of Hawaiian Kingdom subjects; b) those born within the physical boundaries of the Hawaiian Islands; or c) anyone who successfully completes a "formal process of naturalization." Any one of these three criteria, according to H.R. 68 and H.C.R. 96, qualifies a person as authentic heir, beneficiary, and member of the body politic of the continuing Hawaiian Kingdom. H.R. 68 and H.C.R. 96 continue, granting "Hawaiian nationals" the right to restore "their" national government in the Hawaiian Islands. It also commits State law enforcement "to cease all ... prosecution" of these newly-defined Hawaiian nationals.

"These Resolutions grossly overstep itself, making broad proclamations of immense potential repercussion, without precisely defining key terms and qualifications. The Office of Hawaiian Affairs raises concerns that the community has not yet reached consensus regarding very basic matters of protocol. For one, no consensus yet exists as to whether formal acknowledgment of inherent sovereignty should arrive through state, federal, and/or international legal mechanisms. Furthermore, OHA sites Act 195's passing last year, which designated Native Hawaiians as Hawaii's "only indigenous, aboriginal, maoli people," and established a Native Hawaiian Roll Commission to confirm those eligible for self-governance. H.R. 68 and H.C.R. 96 render Act 195 redundant, vastly and imprecisely broadening qualifications. Before we expound on rights, we must answer fundamental questions as to who properly holds those rights, and whether their immediate exercise is "most conducive to a thriving lahui" or not.

"Clearly, H.R. 68 and H.C.R. 96 has already caused ample confusion through its imprecise delineations. One concerned citizen testified in support of H.R. 68 and H.C.R. 96, staking claim before anything else to a 50% Hawaiian blood quantum, and ancestral residence on every island of Hawaii. If anyone who completes a nationalization process - or was born in Hawaii - qualifies as a Hawaiian national, then such points of pride in one's unique heritage become irrelevant. In other testimony, a self-described Hawaiian, waxes on one's right to "nationality" as distinguished from "race, culture or ethnic background." Pragmatically, one's race, culture and ethnicity do not distill from - but in fact define - one's "nationality." We must not discuss a vague concept of "nationality" while eschewing its components. If "nationality" transcends heritage, customs and allegiances, where are its boundaries? Under H.R. 68 and H.C.R. 96, any individual could appoint himself or herself a "Hawaiian national" to obtain benefits and exemptions, without genuine foresight to preserve the legacy of Old Hawaii.

"H.R. 68 and H.C.R. 96 suggest that Hawaiian nationals "are not citizens of the United States," and as OHA revisits, the resolution commits state law enforcers "to cease prosecution of Hawaiian nationals." When one is not subject to a law, that person has not earned the protections said law achieves. How can a people exempt from state law coexist within a society which thrives on those laws?

"H.R. 68 H.C.R. 96 site international law's prohibition against altering a person's nationality and citizenship "without explicit free, prior and informed consent." To whom does this clause refer? The Resolutions open by airing grievances against the Provisional Government's 1893 usurpation. If, as H.R. 68 and H.C.R. 96 proffers, a person's own birthplace determines their nationality - rather than the birthplace of their ancestors - then the only technical victims of such "altered nationality" were those alive during the overthrow, not the living beneficiaries of proposed reorganization. Leon Siu, a cabinet member of Ke Aupuni o Hawaii, defends H.R. 68 and H.C.R. 96 by citing the 1897 Ku'e Petition in which his ancestors "asserted, in no uncertain terms, their loyalty to the

land of their birth." Indeed, those ancestors were born in a different Hawaii. The land of *our* birth, for any local resident alive today, is one illuminated by affiliation with the United States. We have enjoyed its boons and bounties, and also paid our dues. Let us remain accountable to circumstances defining our *own* lives and times, just as our ancestors remained accountable to theirs.

"Miscellaneous questions and doubts overwhelm H.R. 68 and H.C.R. 96; let us step back and examine the details before proceeding with sweeping, poorly-defined, and unenforceable reforms. Thank you."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 68, entitled: "HOUSE RESOLUTION RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING LAWFULLY IN THE HAWAIIAN ISLANDS," was referred to the Committee on Judiciary, with Representatives Ching, McKelvey and Ward voting no, and with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING HAWAIIAN NATIONALS AS A POPULATION RESIDING LAWFULLY IN THE HAWAIIAN ISLANDS," was referred to the Committee on Judiciary, with Representatives Ching, McKelvey and Ward voting no, and with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1366-12), recommending that H.R. No. 129, be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE STATE'S FUNDING FOR EXISTING ESL PROGRAMS AND HAWAIIAN LANGUAGE PROGRAMS OFFERED IN HAWAII AND ANY DISPARITIES IN FUNDING FOR THE STATE'S TWO OFFICIAL LANGUAGES," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1367-12), recommending that H.C.R. No. 167, be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE STATE'S FUNDING FOR EXISTING ESL PROGRAMS AND HAWAIIAN LANGUAGE PROGRAMS OFFERED IN HAWAII AND ANY DISPARITIES IN FUNDING FOR THE STATE'S TWO OFFICIAL LANGUAGES," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1368-12), recommending that H.C.R. No. 64, be referred to the Committee on Labor & Public Employment.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF INFRASTRUCTURE INVESTMENT FUNDS," was referred to the Committee on Labor & Public Employment, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1369-12), recommending that H.C.R. No. 77, 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.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT AND ESTABLISH A NATIONAL BROADBAND NETWORK," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1370-12), recommending that H.C.R. No. 141, 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.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE ON DOG BREEDING," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1371-12), recommending that H.C.R. No. 221, 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.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION AND LICENSURE OF MUSIC THERAPISTS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Yamane and Tsuji, for the Committee on Health and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1372-12), recommending that H.C.R. No. 94, be referred to the Committee on Education.

Representative Chong moved that the report of the Committees be adopted, and that H.C.R. No. 94, be referred to the Committee on Education, 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:

"Thank you, Mr. Speaker. I stand in support of HCR 94 - Requesting the Department of Health to convene a task force to expand a school garden program statewide.

"The health of our children in the State of Hawaii is a priority. A School Garden Taskforce led by the DOH is crucial to prevent chronic disease, including diabetes, cholesterol, obesity, and high blood pressure. Raising awareness of students' knowledge, attitudes and behaviors regarding healthy eating will deter future costs associated with medical issues that arise caused by unhealthy eating habits. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO EXPAND A SCHOOL GARDEN PROGRAM STATEWIDE," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1373-12), recommending that H.C.R. No. 68, 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.C.R. No. 68,

entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO DETERMINE STATE COMPLIANCE WITH THE FEDERAL PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND ENHANCE EXISTING STATE PARITY LAWS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1374-12), recommending that H.R. No. 118, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1375-12), recommending that H.C.R. No. 154, be referred to the Committee on Finance.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 118; and H.C.R. No. 154, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Marumoto's written remarks are as follows:

"Mr. Speaker I rise in strong support of these Resolutions. These Resolutions were brought to the forefront by Ms. Valerie Chang, the Executive Director of the COPD Coalition. She has worked tirelessly to lobby this Body to take up this critical issue, spending hours visiting various Legislators. You can also find her at health fairs, informing the public about COPD. She has helped give free COPD tests and directed people where they can get help.

"COPD is one of the most common adult respiratory diseases and the third leading cause of death in the United States, and the second leading cause of disability. COPD has received increasing attention from the medical community in recent years, and despite the enormous costs and high prevalence of this disease, it is still relatively unknown by the public. It is imperative for Hawaii to create a State action plan to combat COPD, emphasizing on prevention, diagnosis, and treatment."

Representative Ching rose to speak in support of both measures, stating:

"Mr. Speaker, thank you. Also, in strong support of Stand. Com. Nos. 1374 and 1375, Requesting the Department of Health to develop a State action plan to combat chronic obstructive pulmonary disease. Just hoping we can also start to focus on diabetes which is killing our people. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STATE ACTION PLAN TO COMBAT CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN THE STATE," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STATE ACTION PLAN TO COMBAT CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN THE STATE," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1376-12), recommending that H.C.R. No. 163, 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.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE PUBLIC LAND DEVELOPMENT CORPORATION, WITH THE ASSISTANCE OF THE COUNTY OF HAWAII, TO CONDUCT A STUDY ON THE ESTABLISHMENT OF A PUBLIC-PRIVATE PARTNERSHIP TO DEVELOP AND IMPROVE THE EAST HAWAII AREA OF HAWAII COUNTY," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1377-12), recommending that H.C.R. No. 84, be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.C.R. No. 84, be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF LAWS TO REQUIRE WRITTEN PERMISSION FROM THE LANDOWNER IN ORDER TO HUNT ON PRIVATE LANDS AND TO DEFINE PLACES OF FORMAL HUNTING," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1378-12), recommending that H.R. No. 94, 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.R. No. 94, entitled: "HOUSE RESOLUTION ENCOURAGING AND REQUESTING A REPORT ON SOCIALLY RESPONSIBLE INVESTMENTS," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1379-12), recommending that H.C.R. No. 123, 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.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING AND REQUESTING A REPORT ON SOCIALLY RESPONSIBLE INVESTMENT," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1380-12), recommending that H.R. No. 116, 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.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU TO INSPECT, CLEAN, AND FIX THE DRAINAGE SYSTEM IN EAST HONOLULU," was referred to the Committee on

Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1381-12), recommending that H.R. No. 163, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1382-12), recommending that H.C.R. No. 212, be referred to the Committee on Finance.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 163; and H.C.R. No. 212, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support for the driverless car, with the notion that they're celebrating 200,000 miles with the Google car on the West Coast. A blind man has driven to Taco Bell, ordered, and got in and out of it without any difficulty. And I hope the next Committee will read what I'm going to send to each of them. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 163, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO REVIEW AND REPORT ON POLICIES RELATING TO THE USE OF DRIVERLESS VEHICLES IN HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO REVIEW AND REPORT ON POLICIES RELATING TO THE USE OF DRIVERLESS VEHICLES IN HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1383-12), recommending that H.C.R. No. 224, as amended in HD 1, 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.C.R. No. 224, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CARRY OUT OBJECTIVES AND ACTIONS TO ENCOURAGE AND SUPPORT ELECTRIC UTILITIES IN MAXIMIZING RENEWABLE ENERGY GENERATION," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Coffman and Souki, for the Committee on Energy & Environmental Protection and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1384-12), recommending that H.R. No. 155, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DETERMINE FINANCING MECHANISMS TO ASSIST PRIVATE PARKING LOT OWNERS WITH THE COSTS ASSOCIATED WITH PROVIDING PARKING STALLS AND CHARGING UNITS FOR ELECTRIC VEHICLES," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Coffman and Souki, for the Committee on Energy & Environmental Protection and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1385-12), recommending that H.C.R. No. 201, be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DETERMINE FINANCING MECHANISMS TO ASSIST PRIVATE PARKING LOT OWNERS WITH THE COSTS ASSOCIATED WITH PROVIDING PARKING STALLS AND CHARGING UNITS FOR ELECTRIC VEHICLES," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1386-12), recommending that H.R. No. 57, 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.R. No. 57, entitled: "HOUSE RESOLUTION SUPPORTING EFFORTS BY NON-GOVERNMENTAL ORGANIZATIONS THAT ASSIST IN FINDING OPPORTUNITIES AND SOLUTIONS TO ADDRESS HOMELESSNESS IN HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1387-12), recommending that H.C.R. No. 82, 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.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING EFFORTS BY NON-GOVERNMENTAL ORGANIZATIONS THAT ASSIST IN FINDING OPPORTUNITIES AND SOLUTIONS TO ADDRESS HOMELESSNESS IN HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1388-12), recommending that H.R. No. 77, be referred to the Committee on Health.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 77, entitled: "HOUSE RESOLUTION URGING HAWAII PUBLIC HOUSING AUTHORITY TO ADOPT RULES TO PROHIBIT SMOKING IN ALL FEDERAL AND STATE PUBLIC HOUSING PROJECTS IN THE STATE," was referred to the Committee on Health, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1389-12), recommending that H.C.R. No. 106, be referred to the Committee on Health.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII PUBLIC HOUSING AUTHORITY TO ADOPT RULES TO PROHIBIT SMOKING IN ALL FEDERAL AND STATE PUBLIC HOUSING PROJECTS IN THE STATE," was referred to the Committee on Health, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1390-12), recommending that H.R. No. 102, 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.R. No. 102, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII PUBLIC HOUSING AUTHORITY TO PROHIBIT SMOKING IN ALL PUBLIC HOUSING PROJECTS AND STATE LOW-INCOME

HOUSING PROJECTS," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1391-12), recommending that H.C.R. No. 135, 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.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII PUBLIC HOUSING AUTHORITY TO PROHIBIT SMOKING IN ALL PUBLIC HOUSING PROJECTS AND STATE LOW-INCOME HOUSING PROJECTS," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1392-12), recommending that H.R. No. 108, 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.R. No. 108, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, HAWAII CHAPTER, TO DEVELOP CONTINUING EDUCATION REQUIREMENTS FOR LICENSED SOCIAL WORKERS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1393-12), recommending that H.C.R. No. 146, 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.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, HAWAII CHAPTER, TO DEVELOP CONTINUING EDUCATION REQUIREMENTS FOR LICENSED SOCIAL WORKERS," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1394-12), recommending that H.R. No. 128, as amended in HD 1, be referred to the Committee on Education; and

(Stand. Com. Rep. No. 1395-12), recommending that H.C.R. No. 166, as amended in HD 1, be referred to the Committee on Education.

Representative Chong moved that the reports of the Committee be adopted, and that H.R. No. 128, HD 1; and H.C.R. No. 166, HD 1, be referred to the Committee on Education, seconded by Representative Evans.

Representative McKelvey rose to speak in support of both measures, stating:

"Mr. Speaker, just in strong support of both Stand. Com. Nos. 1394 and 1395, and I would like permission to enter written comments in the Journal. Thank you."

Representative McKelvey's written remarks are as follows:

"Hawaii's people of all ethnicities have a special respect for Native Hawaiians and reverence for Hawaiian culture. As we reconnect with our past both individually and collectively we can marvel at the rediscovery of the long-forgotten elements that Hawaiians have unearthed from their

proud heritage. Some of the most widely recognized elements Hawaiian culture have been hula, music and chanting, voyaging canoes, and the Hawaiian language. Although hula, music and voyaging canoes are spectacular and capture the lion share of media attention, I view the Hawaiian language as the most essential part of the culture. Originally, Hawaiian was a spoken language and did not exist in written form. Therefore, the Hawaiian language contains the culture within it and they are inseparable.

"A century ago, English was recognized by everyone in Hawai'i as the language needed for social and economic advancement. Fewer and fewer people spoke Hawaiian and the language declined to the point where it was nearly extinct as a daily-use language by the time of Statehood. Fortunately, today it is experiencing a rebirth through several historic initiatives and teachers strongly committed to Hawaiian culture and language. As learning is a collaborative process, I support the Department of Education and the Board of Education and their continued support and implementation of the recommendations by 'Aha Kauleo Kaiapuni Hawai'i on matters relating to the Hawaiian Language Immersion Program.

"By restoring the Hawaiian language perhaps we can assure the continuity of the Hawaiian people's identity and bolster the academic achievement and college and career readiness of native Hawaiian students. Hawaiian was a dying language. The request for the Department of Education and Board of Education to formally acknowledge the establishment of 'Aha Kauleo Kaiapuni Hawai'i and to continue to support and implement the recommendations is an appropriate step in the process to nurture the root of the Hawaiian culture, the Hawaiian language. The Hawaiian language is a great treasure to the people of Hawai'i and it is yet another example of how we are unique to the world at large."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted, and H.R. No. 128, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO FORMALLY ACKNOWLEDGE THE ESTABLISHMENT OF 'AHA KAULEO KAIAPUNI HAWAI'I AND TO CONTINUE TO SUPPORT AND IMPLEMENT THE RECOMMENDATIONS OF 'AHA KAULEO KAIAPUNI HAWAI'I ON MATTERS RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO FORMALLY ACKNOWLEDGE THE ESTABLISHMENT OF 'AHA KAULEO KAIAPUNI HAWAI'I AND TO CONTINUE TO SUPPORT AND IMPLEMENT THE RECOMMENDATIONS OF 'AHA KAULEO KAIAPUNI HAWAI'I ON MATTERS RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Education, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1396-12), recommending that H.C.R. No. 152, as amended in HD 1, 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.C.R. No. 152, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO CONVENE A TASK FORCE TO EXAMINE MANAGEMENT POLICIES REGARDING THE USE OF OVERTIME BY STATE AND COUNTY EMPLOYEES," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1397-12) recommending that H.R. No. 112, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 112, entitled: "HOUSE RESOLUTION CONGRATULATING MALAMA KOLOA FOR RECEIVING A DESIGNATION OF HOLO HOLO KOLOA AS A STATE SCENIC BYWAY AND SUPPORTING THE SCENIC BYWAY CORRIDOR MANAGEMENT PLAN FOR HOLO HOLO KOLOA," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Souki and Aquino, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1398-12) recommending that H.C.R. No. 39, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE LEGISLATURE'S SUPPORT OF THE FEDERAL AVIATION ADMINISTRATION'S CURRENT RULES AND SAFETY GUIDELINES RELATING TO UNMANNED AIRCRAFT," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1399-12) recommending that H.C.R. No. 37, be adopted.

Representative Chong moved that the report of the Committee be adopted, and that H.C.R. No. 37, be adopted, 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:

"Thank you, Mr. Speaker. I stand in support of H.C.R. 37. This Resolution intends to request 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.

"I need only to echo the testimony submitted by Mr. Miles Tanabe, a small business owner in rural Kauai, as his statement coincides with words I have expressed upon this matter for years. "As a resident and small business owner in the rural county of Kauai I rely on out of state catalog retailers and businesses that use the internet to promote their products, to supply much of my uniforms, specialized equipment, and supplies."

"May I please have permission to submit into the journal his entire testimony. Thank you."

Representative Ching also submitted the following testimony:

LATE TESTIMONY

Dear Representative James Tokioka:

As a resident and small business owner in the rural county of Kauai I rely on out of state catalog retailers and businesses that use the internet to promote their products, to supply much of my uniforms, specialized equipment, and supplies. This type of interstate commerce allows companies like mine to be able to obtain items that cannot be found in the county of Kauai or within the state of Hawaii. As such, we have no other choice than to shop through mail order catalogs or on the internet.

The problem that I along with everyone else who lives in the states of Hawaii and Alaska face is that we as U.S. citizens are subjected to excessively high shipping fees by these mail order and internet retailers when at the same time the rest of the 48 states are often offered free or very low shipping fees. In other cases some companies who send catalogs to Hawaii and Alaska residents and businesses often refuse to sell some merchandise to residents of the two states simply because we are not a part of the 48 contiguous states.

The U.S. Postal Service offers flat rate shipping nationwide, including Alaska and Hawaii, but despite this fact, these retailers continue to discriminate against the citizens and businesses of the states of Alaska and Hawaii. It is understood that Alaska and Hawaii are remotely located states, however when a retailer based on the west coast of the United States can offer residents along the east coast low or free shipping, it seems quite unreasonable to charge excessively high rates to ship items nearly the same distance to Hawaii or Alaska. For these reasons I respectfully ask for the support of the legislation HCR37 introduced by Rep. James Tokioka.

Testimony for ERB 3/22/2012 9:15:00 AM HCR37

Conference room: 312
 Testifier position: Support
 Testifier will be present: No
 Submitted by: Miles Tanabe
 Organization: Individual
 E-mail: NTANABEM@aol.com
 Submitted on: 3/22/2012

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and 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 adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Tsuji and McKelvey, for the Committee on Agriculture and the Committee on Economic Revitalization & Business presented two reports:

(Stand. Com. Rep. No. 1400-12) recommending that H.R. No. 27, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1401-12) recommending that H.C.R. No. 48, as amended in HD 1, be adopted.

Representative Chong moved that the reports of the Committees be adopted, and that H.R. No. 27, HD 1; and H.C.R. No. 48, HD 1, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in strong support for Stand. Com. Rep. Nos. 1400 and 1401."

Representative Ching rose in support of both measures 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.R. 27 and H.C.R. 48. These Resolutions intend to declare Saturdays and Sundays to be "Eat Local, Buy Local" Day in Hawaii and encourage families, restaurants, and grocers to buy Hawaii-Grown foods, flowers, and produce.

"H.R. 27 and H.C.R. 48 will promote local agriculture and therefore our local economy. I have always been an advocate for the "Buy Local It

Matters" campaign and feel that this will further their efforts in creating a local economy initiative. Additionally, these Resolutions would follow my sustainability objectives: green and open spaces, crop security, jobs, and health.

"Lastly, the State government should be a valuable asset to our local agriculture. As stated by the Hawaii Farm Bureau, "The State government is a significant consumer and can play an important role in setting a policy example of consumer behavior by purchasing local." 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. 27, HD 1, entitled: "HOUSE RESOLUTION DECLARING SATURDAYS AND SUNDAYS TO BE "EAT LOCAL, BUY LOCAL" DAY IN HAWAII AND ENCOURAGING FAMILIES, RESTAURANTS, AND GROCERS TO BUY HAWAII-GROWN FOODS, FLOWERS, AND PRODUCE," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused; and

H.C.R. No. 48, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING SATURDAYS AND SUNDAYS TO BE "EAT LOCAL, BUY LOCAL" DAY IN HAWAII AND ENCOURAGING FAMILIES, RESTAURANTS, AND GROCERS TO BUY HAWAII-GROWN FOODS, FLOWERS, AND PRODUCE," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representatives Tsuji and McKelvey, for the Committee on Agriculture and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1402-12) recommending that H.R. No. 105, as amended in HD 1, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 105, HD 1, entitled: "HOUSE RESOLUTION URGING THE NATIONAL AGRICULTURAL STATISTICS SERVICE TO USE GREEN COFFEE, INSTEAD OF PARCHMENT EQUIVALENT, AS THE BASIS FOR VALUING HAWAII'S COFFEE CROPS," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1403-12) recommending that H.R. No. 113, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1404-12) recommending that H.C.R. No. 150, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1405-12) recommending that H.R. No. 106, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING THAT DEVELOPERS AND COUNTY PLANNING DEPARTMENTS ENCOURAGE SMALLER AND CHEAPER HOUSING," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1406-12) recommending that H.C.R. No. 144, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT DEVELOPERS AND COUNTY PLANNING DEPARTMENTS ENCOURAGE SMALLER AND CHEAPER HOUSING," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1407-12) recommending that H.R. No. 144, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE WEEK OF OCTOBER 1 THROUGH 7, 2012, TO BE RECOGNIZED AS "HAWAII FISHING AND SEAFOOD WEEK"," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1408-12) recommending that H.C.R. No. 186, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WEEK OF OCTOBER 1 THROUGH 7, 2012, TO BE RECOGNIZED AS "HAWAII FISHING AND SEAFOOD WEEK"," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1409-12) recommending that H.C.R. No. 142, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1410-12) recommending that H.C.R. No. 143, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES," was adopted, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1411-12) recommending that S.B. No. 2247, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that S.B. No. 2247, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At this time, the Chair addressed Representative Riviere stating:

"Representative Riviere, what is the motion before this Body."

Representative Riviere responded, stating:

"Thank you, Mr. Speaker. The motion is to suspend the rules to pass this bill on Second Reading and put it on the calendar for Third Reading."

Speaker Say: "So you'll have the time to go over this particular measure, for Third Reading."

Representative Riviere: "Yes, we'll study everything that goes through."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2247, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1412-12) recommending that S.B. No. 2222, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1412-12 on S.B. No. 2222, SD 2, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2222, SD 2, HD 1, were made available to the Members of the House.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Herkes, Manahan and Wooley were excused.)

At 1:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:15 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1413-12) recommending that S.B. No. 2783, pass Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that S.B. No. 2783, pass Third Reading, seconded by Representative Evans.

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

Representative McKelvey's written remarks are as follows:

"The Hawaii State Legislature and the Office of Hawaiian Affairs (OHA) have had ongoing discussions regarding claims to income and proceeds from the public trust lands dating as far back as 1978. This past year, these discussions have resulted in an agreement in principal that is embodied in Senate Bill 2783.

"In summary, the agreement would convey approximately \$200 million worth of land in Kaka'ako Makai to OHA. In exchange for the land and all claims regarding OHA's share of ceded land receipts from November 7, 1978 through June 30, 2012, would be resolved.

"My review of the bill indicates that it does not waive any broader claims of the Native Hawaiian people; it relates solely to claims for the income and proceeds due OHA from the public land trust under Sections 4 and 6 of Article XII of the State Constitution. While one may dispute the

exact amount due OHA, OHA's efforts to settle the revenue issue through the courts have failed. The Hawai'i Supreme Court, while acknowledging the State's trust responsibility and duty to fulfill the terms of the State Constitution, has consistently held that is an issue for the Legislature to resolve. Given all the relevant factors, the \$200 million amount appears fair to both OHA and the State. I understand that OHA is now doing 'due diligence' in reviewing the specific parcels of land in Kaka'ako proposed for the settlement. Finally, SB 2783 has no negative impact on the waiver of State sovereign immunity under Chapter 673 or similar laws it basically confirms the current state of the law.

"I believe this agreement is *pono* and benefits both Native Hawaiians and the entire State of Hawaii. It will ensure that the Legislature is fully implementing its *kuleana* under the State Constitution related to the public land trust revenue due OHA. It will bring closure to a contentious issue that has often divided our community. Finally, it will immediately provide OHA with additional funding to support its beneficiary initiatives and with the potential to provide a robust revenue stream in the future."

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. Let me extend wholehearted congratulations to my colleagues and those who worked hard to arrive at compromise, on the progress we have made this Session in resolving a longstanding dispute which has plagued Hawaii for over three decades. SB 2783 will convey Kaka'ako Makai lands to the Office of Hawaiian Affairs, resolving all disputes and controversies, barring all claims, extinguishing all suits and discharging all actions relating to OHA's portion of income and proceeds from those public trust lands. When enacted, S.B. 2783 will account for the period from November 7, 1978 through June 30, 2012.

"After decades of discord, this settlement comes as a welcome relief to all sides. The Office of Hawaiian Affairs, the Department of Hawaiian Homelands and the Association of Hawaiian Civic Clubs all agree that this issues has rested overwhelmingly on the legislature's shoulders, so through our own due diligence we must at last take the opportunity to put it to rest. These organizations justly note that settlement will improve life not only for Native Hawaiians as direct beneficiaries, but for all residents of Hawaii who may now enjoy more harmonious organization and long-term planning of a critical region at the core of Honolulu's livelihood. The Attorney General also emphasizes the urgency of settlement, most notably regarding questions on whether OHA should have received receipts from hospitals situated on ceded lands; rental and affordable housing development programs; and a larger portion of airport duty free concession leases. Mr. Louie clarifies that this legislation does not involve claims to self-government or sovereignty, but only deals with amounts Act 178 has already designated as OHA's share today. OHA has agreed that conveyances will not include the State's interest in mines, geothermal energy, surface or groundwater, aviation artifacts, historic properties, burial sites and prehistoric remains. With caution and specificity, collaborators have reached a beneficial compromise for all.

"We must, however, monitor implementation to ensure that our initial intentions for S.B. 2783 ultimately align with its forms of application. We must not allow shortsighted special interests to subsume the welfare of Hawaii's people in our regard. Specifically, let us guard against the conversion of any settlement parcel into facilities such as gambling casinos – which will compromise the dignity, independence and sustainability of our Native Hawaiian community. As Prince Jonah Kuhio famously advocated, the health of Hawaii's people intimately entwines with the life of the land. Self-sustainable relationship between ceded lands and their future inhabitants will carry Native Hawaiians into a future of unforeseen bounty. Thank you."

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

Representative Keith-Agaran's written remarks are as follows:

"In strong support, Mr. Speaker. SB 2783 marks a milestone. This bill ratifies an agreement reached between the Administration of Neil Abercrombie and the Office of Hawaiian Affairs over income and proceeds from the Public Lands Trust that spans November 7, 1978 through this coming June 30th. The lands proposed for deeding to OHA symbolize the estimated value of unresolved claims regarding proceeds from State hospitals built and operated on ceded lands, income from rental housing and affordable housing development programs constructed on ceded lands, and duty free concession leases at State airports using ceded lands and various other claims.

"I would never presume to be well versed in Hawaiian culture. And my understanding of Hawaiian words is colored largely by my plantation roots. But when both OHA and the State Administration testifies that the Hawaii Supreme Court has indicated that resolving the amounts due to OHA under the Constitution is in the Legislature's *kuleana*, then I interpret that to mean we as a legislative body hold responsibility – along with the parties in dispute – to take action. Today, we as a body have an opportunity to take action and I urge my colleagues to fulfill their responsibility and vote in favor of this bill.

"A passage in my religious tradition that I meditate on reads: *"Justice and only justice, you shall pursue, so that you may live and occupy the land that the LORD your God is giving you."*—Deuteronomy 16:20 NRSV.

"We no doubt all have differing ideas about the meaning of justice. In my own religious tradition, we are taught that the concept of justice is not limited to notions of "retribution" or "punishment" or "distribution" or "fair shares for all". Instead, justice embodies how we as people should live. That is why one of the words for *justice in our holy scriptures* is not only translated into English as justice, but also as "righteousness", which means personally living a just life.

"I would say this measure is not a bill about justice. It is a bill, however, about righteousness. It is a settlement that no doubt leaves both the State Administration and the Office of Hawaiian Affairs unhappy. It is in the nature of settlements to leave both sides dissatisfied. But what this bill does is righteous in the sense of laying to rest a divisive dispute over OHA's share of ceded lands revenues. 1978 through 2012 is a period spanning five Hawaii Governors, at least seven State Attorney Generals, quite a number of OHA Trustees, and seventeen and a half Legislatures. During a portion of that period, I worked at the Department of Land and Natural Resources and observed how this dispute tore apart friends and colleagues – for the most part all people of good faith who believed strongly in Hawaii and who viewed these islands as their home.

"I can only hope that this bill helps bring some closure and clarity – not to the pursuit of justice for our native people – but to the dispute between the State Administration and OHA.

"As I wrote above, as this bill has moved through the Legislature, the Administration and OHA have noted that the Hawaii Supreme Court has suggested that resolving these back payment disputes is within the purview of the Legislature – within our *kuleana*, to quote OHA's testimony:

The proposal is presented in the form of this bill because under Article XII, Section 6 of the State Constitution and the Hawaii Supreme Court's decisions in Trustees of the Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 737 P.2d 446 (1987) (Yamasaki), Office of Hawaiian Affairs v. State, 96 Hawaii 388, 31 P.3d 901 (2001) (OHA I), and Office of Hawaiian Affairs v. State, 110 Hawaii 338, 133 P.3d 767 (2006) (OHA II), only the Legislature can specify what OHA's portion of the income and proceeds from the public land trust lands is, and resolving all of OHA's remaining claims for that period is contingent upon the Legislature specifying what the State's obligation under the State Constitution is for that period.

"Today, as we vote on this measure, we as a Legislature take on our solemn duty, our *kuleana*, and bring closure to this longstanding dispute, and perhaps mark the beginning of some healing that must still be reached in reconciling the debt we as residents and children of these islands owe to the people who first populated these isles and who share with us and ours a

common future. We approve this agreement and we take a step towards justice."

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

Representative Pine's written remarks are as follows:

"I strongly support SB 2783, which will settle longstanding claims of the Office of Hawaiian Affairs. This is an historic day for the Hawaiian community. After waiting far too long, they are entitled to this recognition. I stand today proud to be a member of the Hawaii House of Representatives and the Committee that moved this measure."

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

"Yes, Mr. Speaker, strong support, please."

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

"Thank you, strong support, please."

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

"In support. Mr. Speaker this has been a long time coming. There's been an understanding that a debt is due and the negotiations have been long and ongoing. I think it's proper that we are now settling these claims and moving forward. I think that this is a well-negotiated plan by the Administration and OHA. I'm happy that we're moving this forward. Thank you."

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

"Yes, Mr. Speaker. With very strong support. However, I wish to add a comment that there was funding that the Legislature provided, \$115 million in 1993 to OHA. So I just want that to go in the record that, that was also for claims that were made. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support, and very briefly, Mr. Speaker. I think that this is truly a historical moment for this Body. The Office of Hawaiian Affairs and the Hawaiian community has been fighting for over three decades now in trying to come up with a settlement. So this is something as the Vice Chair of Water, Land, and on behalf of the Chair of Water, Land, we are very proud to have participated in this settlement. We think that this is truly a momentous occasion and we thank this Body for their support. Additional written comments, Mr. Speaker."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support on Standing Committee Report 1413-12, Senate Bill 2783, which conveys Kakaako Makai lands to the Office of Hawaiian Affairs, and resolves all disputes and controversies relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

"For a bill to settle a three-decade old land dispute, receive support from both OHA and the Governor, and pass the legislature unamended is unprecedented. I commend all those involved with the bill for their hard work. This is an historic day for Hawaii, and I was honored to have participated in shepherding this bill forward as the Vice Chair of your House Committee on Water, Land, & Ocean Resources."

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

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I submit written comments in support of S.B. 2783 to emphasize that this measure brings to a conclusion the litigation that began over 25 years ago. In Trustees of the Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 737 P.2d 446 (1987), the Hawaii Supreme Court

held that the issue of what constitutes the pro rata share of "funds" derived from the public land trust to which OHA was statutorily entitled, was a political question for the Legislature to determine. This holding was reaffirmed in Office of Hawaiian Affairs v. State, 110 Hawaii 338, 133 P.3d 767 (Hawaii 2006).

"The Yamasaki decision was seminal with respect to its clarification and application of the political question doctrine. This doctrine is critical because it maintains the balance of power between our three branches of government. The Legislature should heed the teachings of Yamasaki in asserting its role as a separate and independent branch of government."

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker It is a privilege and an honor to be a part of such a historic day for our people and I offer my strong support to SB2783. As I look into the gallery and see the faces of the many *kupuna* who have paved the path for my generation and future generations, I find myself reflecting about the struggles and adversity that many have pushed through to bring us here today.

"I think about how some of my own family members who are no longer here with us in Body, but are with us in spirit would be smiling down on us today. People like my great-grandmother Komololei Kapaka, my grandmother Dora Kashima, and my aunt Lafrance Kapaka-Arboleda who was the Kauai Resource Coordinator for the Office of Hawaiian Affairs. They would be smiling, Mr. Speaker because today's settlement is so much more than just a settlement. It is what we as Hawaiians have been struggling for. It is another door of opportunity. A door of opportunity that will provide revenue, economic development, and a balance of commercial and open space for all people to enjoy.

"Today marks a day that I will remember for the rest of my life. It marks the day that for some, tears of what once was sorrow, will be now, tears of joy."

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

"Mr. Speaker, I rise in strong support of this. Let me not let this historic moment pass without publicly acknowledging and thanking the Administration of Governor Abercrombie and his team of administrators. I think it's been a long time coming, in fact about 34 years since the Office of Hawaiian Affairs was created through a constitutional amendment ratified by the voters, and the citizens of Hawaii. This takes us through a long period of time of struggle and debate and discussion, of inspiration and heartache to get us to this point. I just wanted to make sure that we all recognize that Governor Abercrombie has already established a legacy in so many ways by his enactment of Act 1 last year. But I think he's also taking us another step forward to resolve long-standing issues amongst our community in the area of the public trust lands.

"So, I wanted to make sure that we took pause to recognize the importance of this moment today at hand. Although there are few times where the opportunity to really celebrate Mr. Speaker, these kinds of enactments of law, by where we can work together across the aisle in a bipartisan fashion across the Chambers, to do something that's truly important for the people of *Hawaii nei*. I think it will be remiss of us if we didn't recognize that this day and this achievement comes through us, and to us through the work of so many people.

"Mr. Speaker, I don't know if it's proper decorum or procedure, but I think we should bear our eyes to look up to the Gallery and see some of those figures there. Of course they're not all here today. Many of them are at work or doing what they do best in making this place a better place. But for those who had the opportunity to be in attendance and witness this event, I think they came here because they wanted to be part of this, since they've been through it all these years. I notice that Governor Waihee is up there, and it's through his work and his inspiration and his insight and foresight that we even have the Office of Hawaiian Affairs. And that came

through the Constitutional Convention back in 1978. So I'm glad that he's there today, to rejoice and celebrate.

"Similar to that, I think I see Trustee Apo up there, also an activist in the creation of the Office of Hawaiian Affairs, and now a current Trustee, and a former Member of the Hawaii State Legislature, the State House, I believe Mr. Speaker, along with several other colleagues. I think also there, is our current Chairperson, Colette Machado, Mr. Speaker. Again, as you know, she brought on the deal, and sealed the deal. And again, she is here to witness this historic event.

"I would be remiss if I didn't point out, also, former Chairwoman Haunani Apoliona. Mr. Speaker as you may recall, several years ago we did have an opportunity, this House, to offer a settlement, back in, I think, 2008. It was at that time that Chair Apoliona led the Office of Hawaiian Affairs.

"I wasn't planning on saying much, only because there's so much to be said about this point, but I thought it was conspicuously remiss of us to not publicly acknowledge, and let the people of Hawaii know, how important a milestone and achievement this is.

"I want to also thank, Trustees Lindsey and Akana, also for their supporting role and important vote on this.

"I want to thank Deputy Attorney General Charlene Aina. Charlene is one of those whose diligence, thoroughness, insightfulness, scholarship, political and legal history on all the issues going back to Yamasaki that bore out and advised all these leaders to get us to this point today. Bill Meheula is not here today, but I think he also helped us get here. And I also want to thank Attorney General Louie, for again, in the final strokes, of getting us to this point.

"So, Mr. Speaker, I just wanted to make sure that we knew, and that our constituents understood the tremendous importance of today's passage. Thank you."

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

"Thank you, Mr. Speaker. In strong support. First, if I could have the words of the Finance Chair entered into the Journal as my own? This is my eighth year here, Mr. Speaker, and that's a short time compared to some others like yourself, and the Representative from Kahului and others, who have been here much longer and have seen this issue much longer than I. But I remember as the Finance Chair mentioned, this issue was before us a few years ago, and both as a legislator and as a Native Hawaiian, it was a learning experience of the, not just the legislative history, but the difficulty of pain, emotion, grief, happiness, all the ranges that drive us in that issue. It was interesting to see it unfold, and now we are here today with a solution and a closure.

"It is not the final step, but it is a step in the right direction. I'd like to thank all those who the Finance Chair talked about, both here, and our predecessors who helped us get here. I'd also like to thank our Chairs and Committees who moved this forward, to bring us to where we are today. And lastly I would like to thank you, Mr. Speaker for your leadership in working with the Senate, as well as with the leadership of the Governor.

"In 2008 it was an interesting experience, and I didn't think we would be here doing this now. I think it's a testament to everyone's passion, collaboration and remembering those who came before us who got us here. Thank you."

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

"Thank you, Mr. Speaker, in strong support, and I'd like to ask if the words from the Finance Chair, the Vice Chair of Water, Land and the Majority Leader are inserted into the Journal as if they were my own. I'd also like to say that yesterday, as a Hawaiian and as member of this Body, it was a very proud moment, a very 'chicken skin' moment in Finance, to see the support from the Hawaiian community. To see and to show everyone in this State, that together we can do what we did yesterday. It's a very proud moment for all of us, Mr. Speaker. Thank you, very much."

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

"Thank you, Mr. Speaker. I'm in very strong support. And as a first-time legislator, and a native Hawaiian, I am so honored and proud to be part of this historical moment. Thank you."

Representative Souki rose, stating:

"Yes, Mr. Speaker, for the second time. I just want to make an announcement for someone who years back was the Governor of the State of Hawaii. Governor Waihee was the initiator of the \$115 million to OHA. Thank you very much, John. And to the Finance Chair at that time. Thank you, very much."

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

Representative Belatti's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2783. In addition to the many words of thanks and congratulations to all those who have worked in bringing the parties and our State to this historic day, I would add my thanks and acknowledgement to the late Professor Jon Van Dyke, not only a constituent, but a mentor, teacher, and friend who is greatly missed. Professor Van Dyke is rightfully recognized as the architect for the legal framework for the creation of the Office of Hawaiian Affairs. It is his work, dedication, and passion for fixing injustices that has led us, in part, to this important day where some of those injustices have been finally addressed."

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

"Yes, Mr. Speaker. On behalf of the Minority, we want to express how thrilled we are today. As many of you know, the Minority worked very hard with Governor Lingle, who was so proud to promote Hawaiian issues, and wanted so much in her heart to do this during her term. She is thrilled today I'm sure, that we have all come together and put all of our differences aside to really, for the first time, make Hawaiians our priority, and to recognize the sacrifices that they've made for all of us who are here today. Mahalo."

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

"Mahalo Ho'omalua 'olelo.

"Ke kū nei au me ke kako'o. Mahalo nō, kēia Hale Maka'āmana no kō 'oukou kako'o ana. Mahalo pīha nō nā po'e e kokua ana no kēia pila maika'i. Aloha pumehana pau'ole kako'o.

"So I just want to say, Thank you, Mr. Speaker. And I rise in support and would like to also thank all of my colleagues in the House of Representatives in supporting this great bill. Today is a great day. Best wishes and lots of love to all of us. Aloha."

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

"In strong support. I'd like to rise in strong support, and I'd like to insert the words of the Majority Leader, the Finance Chair and the Vice Chair of Water, Land, into the Journal as if they were my own.

"And as the newest Member of the House of Representative, I am extremely proud to be here, to be part of this historic moment and to have voted for this. Thank you, very much."

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

"Thank you, Mr. Speaker. I'm still in strong support, and I ask that the words from the Chair of Finance, as well as the Chair of Hawaiian Affairs be entered into the Journal as if they were my own. Thank you," and the Chair "so ordered. (By reference only.)

The Chair addressed Representative Jordan, stating:

"The Chair would like to recognize Representative Jordan, if you would say a few words for Auntie Frenchy."

Representative Jordan rose, stating:

"Thank you, Mr. Speaker. One of my great mentors, is Auntie Frenchy Desoto who is no longer with us. But I know she is spiritually with us all. And she would probably be so proud today, that we are here at this moment. I too am a freshman, and witnessed a great step last year, and am very honored to be here for this next great step for our legislative process in our community, as well as our Native Hawaiian family.

"Frenchy was such a great guiding force in my community, as well as our islands and was known as the 'mother of OHA.' I believe we are all very proud of her and her strong stance for the Native Hawaiians. Everything I talk about, and everything I do, is from her. And I think she has helped guide me, and every other Committee that has heard this, and every other Member that has heard this, and given us all strength to be here on this Floor. I truly appreciate that you've asked me. Thank you, Mr. Speaker."

The Chair then addressed Representative Ward, stating:

"Thank you, very much. Representative Ward, on behalf of the Minority Caucus, I think you should share some *mana'o* about a woman who was a part of this House who led the charge also, and that is former Representative Kina'u Boyd Kamali'i."

Representative Ward rose, stating:

"Kina'u Boyd Kamali'i, Thank you, Mr. Speaker. She lives in our Caucus because some of the flags that are flying within the Caucus Room are the banners of hers from University Avenue. Kina'u Kamali'i. These *kupuna*, those who we bring to life again today are going to be so proud of what is going to come out of the future, because this is not just righting the past, but it's really a projection and a vision to the future.

"And the way that the Hawaiian Community has vetted this, this is why it didn't go in the past. Because it didn't seek the *mana'o* of everyone in the Hawaiian Community. This one, we have the approval. There's a few people who didn't approve, and did they show up today? I don't think so. But there is the future and the vision, as I said earlier. A destiny for the Hawaiian people, Mr. Speaker. And these heroes on whose shoulders we all stand is going to mark this day. A day in the sand, a day in the sky, a day in the annals of this Journal that will say, Hawaii is no longer going to be the same. Hawaii is a different place after today.

"Mr. Speaker, let us always remember that this is only a small debt of gratitude to the people of Hawaii. There are many more debts to be repaid in different ways, at different times, and different places. This is just simply something from 1978 to the present. So we have much to go. It's an honor to be there. And on behalf of the Minority, thank all of you for being a part of this, and including us, and going forward with us. Aloha."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2783, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC TRUST LANDS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

At 1:34 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 2783

At 1:34 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:34 o'clock p.m.

THIRD READING**S.B. No. 3029, SD 1, HD 1:**

On motion by Representative Chong, seconded by Representative Evans and carried, S.B. No. 3029, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES AND CLARIFYING LANGUAGE," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Herkes, Manahan and Wooley being excused.

At 1:35 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 3029, SD 1, HD 1

ANNOUNCEMENTS

At 1:35 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:36 o'clock p.m.

Representative Jordan: "It is with a heavy heart that I ask for a moment of silence at an appropriate time, for the young family that was involved in a tragic accident this past Wednesday. With that tragic accident, a four year old lost his life, Ashton Brown. So at the appropriate time, Mr. Speaker, I would appreciate it. Thank you, very much."

Representative Hanohano: "Mahalo. It's been a long week, doing Hawaiian Caucus. Thank you for all of your contributions that have helped us with our successful week. On your desk is a small token of aloha from the Hawaiian Caucus. It is a pin. Mahalo."

Representative Ching: "Thank you, Mr. Speaker. I thought it was so wonderful that we had Historic Preservation Awareness Day on such a historic occasion. I think that all the activities here today were especially imbued with the spirit that we can all be proud of. I wanted to just thank all those that put it together. And also especially the Hawaiian Caucus and OHA and everyone who helped with this day. Thank you."

COMMITTEE REASSIGNMENTS

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

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

156 Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection

H.C.R.**Nos. Re-referred to:**

104 Committee on Agriculture, then to the Committee on Finance

107 Committee on Transportation, then to the Committee on Finance

141 Committee on Economic Revitalization & Business, then to the Committee on Legislative Management

202 Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection

S.B.**Nos. Re-referred to:**

2228, Committee on Health, then to the Committee on Judiciary
SD2,
HD1

2893, Committee on Finance
SD1

ADJOURNMENT

At 1:38 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, April 02, 2012. (Representatives Belatti, Carroll, Herkes, Kawakami, Manahan, Morikawa, Tokioka and Wooley were excused.)