

THIRTEENTH DAY

Tuesday, February 10, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Kahu Curt Kekuna of Kawaiaha'o Church, after which the Roll was called showing all Members present with the exception of Representative Takai, who was excused.

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

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referral</u>
343, HD1	Committee on Health, then to the Committee on Finance
587	Committee on Judiciary
806	Committee on Judiciary
1379	Committee on Judiciary, then to the Committee on Finance
1538	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance
1607	Committee on Finance
1812	Committee on Health, then to the Committee on Judiciary
1814	Committee on Health, then to the Committee on Labor & Public Employment

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 105) recommending that H.B. No. 1414, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1414, entitled: "A BILL FOR AN ACT RELATING TO METAL," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 106) recommending that H.B. No. 566, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 566, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 107) recommending that H.B. No. 1440, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 108) recommending that H.B. No. 196, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 196, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 109) recommending that H.B. No. 720, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 720, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 110) recommending that H.B. No. 1427, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 111) recommending that H.B. No. 1428, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Takai being excused.

Representatives McKelvey and Tsuji, for the Committee on Economic Revitalization, Business, & Military Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 112) recommending that H.B. No. 1682, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1682, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 113) recommending that H.B. No. 11, as

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

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 11, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 114) recommending that H.B. No. 13, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 13, entitled: "A BILL FOR AN ACT RELATING TO BOARD OF EDUCATION MEETINGS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 115) recommending that H.B. No. 173, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 173, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL MEALS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 116) recommending that H.B. No. 179, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 179, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 117) recommending that H.B. No. 180, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 180, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 118) recommending that H.B. No. 181, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 181, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL GRANTS REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 119) recommending that H.B. No. 395, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 395, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report

(Stand. Com. Rep. No. 120) recommending that H.B. No. 174, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO SALARY RANGES FOR TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 121) recommending that H.B. No. 175, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 175, entitled: "A BILL FOR AN ACT RELATING TO SALARY INCREASES FOR TEACHERS AND EDUCATIONAL OFFICERS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 122) recommending that H.B. No. 177, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 177, entitled: "A BILL FOR AN ACT RELATING TO CAUSES FOR DISCHARGE OR DEMOTION OF TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 123) recommending that H.B. No. 178, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 178, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 124) recommending that H.B. No. 183, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 183, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 125) recommending that H.B. No. 541, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 541, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Finnegan 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 Committees was adopted and H.B. No. 541, entitled: "A BILL FOR

AN ACT RELATING TO CIVIL SERVICE PERSONNEL," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 938, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 938, entitled: "A BILL FOR AN ACT RELATING TO CAFETERIA WORKERS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 127) recommending that H.B. No. 184, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 184, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER EDUCATION COORDINATING COMMITTEE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 428, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 370, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 1016, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1016, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I request a ruling on a possible conflict. One of the appropriations in this bill would pay a judgment obtained by my law firm. Thank you," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I am rising for the same reason. I might have a conflict with one of the claims in this. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1016, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 131) recommending that H.B. No. 295, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 295, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE REVOCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 132) recommending that H.B. No. 758, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 758, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDMENT OF VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 133) recommending that H.B. No. 923, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 923, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 134) recommending that H.B. No. 1435, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1435, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE GIVING CAMPAIGN," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 1788, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1788, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Public Safety, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 600, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 600, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 1094, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1094, entitled: "A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 873, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 873, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 333, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 333, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 140) recommending that H.B. No. 1434, pass Second Reading and be referred jointly to the Committee on Education and the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1434, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred jointly to the Committee on Education and the Committee on Higher Education, with Representative Takai being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 855, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 855, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF FINANCIAL INTERESTS DISCLOSURE STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 142) recommending that H.B. No. 319, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 319, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 319, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading

and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 952, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 952, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 952, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs with Representatives Ching, Finnegan, Marumoto, Thielen and Ward voting no, and with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 849, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 850, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 146) recommending that H.B. No. 290, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE JUDICIAL SELECTION COMMISSION,"

passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 147) recommending that H.B. No. 1567, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1567, entitled: "A BILL FOR AN ACT RELATING TO SKILLED NURSING FACILITIES," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 148) recommending that H.B. No. 707, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 707, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AUDITOR," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Takai being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 149) recommending that H.B. No. 1525, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1525, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. I'd like to speak in strong support of Stand. Com. No. 149. Mr. Speaker, I want to speak in strong support of House Bill 1525, which relates to the awarding of Medicaid contracts by the Department of Human Services to non-profit insurance entities. As the introducer of a related bill, I speak with great concern on behalf of my many Wai'anae Coast constituents, whose health and well-being have long depended on services offered by a non-profit health center through a locally owned non-profit insurance plan.

"When the bill was heard by our Committees on Human Services and Health, they received strong and supportive testimony from community-oriented agencies and individuals. Opposing testimony came, as would be expected, from for-profit entities beholden to their stockholders. Objections to the bill also came from State agencies expressing concern that it would stifle competition and deny competitors, quote "a level playing field."

"While the concept of a level playing field is in theory a noble idea, these public sector testifiers may not be aware of the slanted, obstacle-strung terrain on which some of our local competitors were made to play in the recent QExA process. For example, Aloha Care, the local non-profit that has regularly under-bid other plans and given back to the community in countless ways, submitted a bid to DHS for the QExA Program. Their bid was returned unopened. So much for level playing fields.

"I believe there is room in Hawaii's healthcare arena for providers and health plans of every description, non-profit and for-profit alike. I'm not against competition, nor are the responsible leaders for non-profits, with whom I am acquainted. I say bring on the competition, but let's make sure it's fair. I urge my colleagues to move this bill along to allow for further discussion. And I have additional written comments," and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of HB 1525, which relates to the awarding of Medicaid contracts by the Department of Human Services to non-profit insurance entities. As the introducer of a related bill, I speak with great concern on behalf of my many Wai'anae Coast constituents whose health and well-being have long depended on services offered by a non-profit health center through a locally-owned non-profit insurance plan.

"The Wai'anae Coast Comprehensive Health Center - along with other community health centers in low-income areas throughout the State - has a proven track record in serving its 12,000 Medicaid patients; 1,500 of these are in the Aged, Blind & Disabled (ABD) category which is now covered under the State's new managed care program, QUEST Expanded Access (QExA). With the awarding of contracts to two for-profit companies - relatively unknown in Hawaii and with questionable performance nationally - to provide Medicaid coverage to this special population, I am deeply troubled. I fear that my constituents will lose the personal and culturally sensitive care they have become accustomed to; and I have a greater fear that in this current economic crisis some will be left with no healthcare at all.

"When the bill was heard by our Committees on Human Services and Health, it received strong and supportive testimony from community-oriented agencies and individuals. Opposing testimony came, as would be expected, from for-profit entities beholden to their stockholders. Objections to the bill also came from State agencies, expressing concern that it would stifle competition and deny competitors a "level playing field."

"While the concept of level playing fields is in theory a noble ideal, these public-sector testifiers may not be aware of the slanted, obstacle-strung terrain on which some of our local competitors were made to play in the recent QExA bid process. For example, AlohaCare - the local non-profit that has regularly underbid other plans and given back to the community in countless ways - submitted a bid to DHS for the QExA program. Their bid was returned unopened. So much for level playing fields!

"I believe there is room in Hawaii's healthcare arena for providers and health plans of every description - non-profit and for-profit alike. I am not against competition, nor are the responsible leaders of non-profits with whom I am acquainted. I say, bring on the competition ... but let's make sure it's fair!

"I urge my colleagues to move this bill along to allow for further discussion."

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

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict. At my law firm, I believe that they're representing one of the bidders that won the award. But I am not involved in that case. Thank you," and the Chair ruled, "no conflict."

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

"Thank you. In strong support and may I have the words of the Representative from Wai'anae entered as my own. Thank you," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1525, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 1102, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1102, entitled: "A BILL FOR AN ACT RELATING TO RECORD CHECKS FOR THE OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 1130, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOILER AND ELEVATOR SAFETY LAW," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 442, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 442, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 237, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MACADAMIA NUTS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

At this time, the Chair addressed the body, stating:

"At this time, Members of the House, the Chair would like to beg your indulgence since these measures are going to be placed on the calendar for Third Reading. So I believe the discussion or debate should occur on Third Reading, rather than on Second Reading at this time. With your indulgence, is that okay for all of you? Is there any discussion?"

Representative Ward rose stating:

"Mr. Speaker, I would like to say a few words, please."

Speaker Say: "You would like to say a few words on Second Reading? And then for Third Reading, whatever you state will not be a part of that?"

Representative Ward: "Exactly. I won't repeat it."

Speaker Say: "Members, these are measures that are passing Second Reading and being placed on the calendar for Third Reading. The Chair is requesting, with your indulgence, that we have the discussion more on Third Reading rather than Second Reading. But Representative Ward has decided that he would like to speak on Second Reading, and the Chair will allow him to do so."

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 615, as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 615, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Awana, Mizuno and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 622, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Awana, Mizuno and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 156) recommending that H.B. No. 293, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 293, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE PROCEEDINGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Awana, Mizuno and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 444, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 444, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker for your indulgence. Thank you colleagues for allowing me to speak on an issue that is so macro, so structural that I think speaking not against it, as I rise against H.B. 444, I would be remiss in making an important footnote.

"Mr. Speaker, in rising in opposition, I say the following. As Americans, we love freedom, we love democracy, and we love equality. Of these three values of freedom, democracy, and equality, equality stands out today because of the almost sacred place it has in the two corollaries of equality of the law, and equality of opportunity.

"Even though our democracy has not always got right, it's always been self-correcting. And Mr. Speaker, that's the beauty of H.B. 444. It's correcting the past denial of rights, by extending the legal benefits of marriage to same-sex couples. I don't have a problem with this. Mr. Speaker, what I feel we've erred in, however, is the assuming that conferring the rights of same-sex couples will end at civil unions.

"If we listen to the Democratic Party GLBT Caucus, it was made pretty clear in the newspapers, even before we took Session, that this was going to be the Session that strides towards marriage could be made, and we could put marriage back on the legislative map. This combined with the statements of the Majority Leader from Aiea, in the *Advertiser* following last Thursday's vote of 12 to 0 in the Judiciary Committee that quote, "passage of H.B. 444 was just one small step." These statements clearly indicate that this bill is not an end in itself. It is a means to an end of same-sex marriage, not a bundle of rights for the same equal status with marriage.

"If this is not the goal, Mr. Speaker, I stand corrected. But if it is the goal, why are we pretending that it isn't? That's the basic question of my comments. Why are we pretending that what follows will not be re-living of the culture wars that we had back in 1998? Why are we pretending that we will not anger and frustrate the communities of Faith?"

"For example, Mr. Speaker, the 4,000 member Muslim community, for the first time ever, weighed in on this bill. Even though it was in writing, they said they are entirely opposed to civil unions, same-sex marriage, etc. And Mr. Speaker, what about the 250,000 Catholics that were represented with the Hawaii Family Forum? The 100,000 Protestants? And the countless numbers of Mormons, who upon the knowledge of this bill being passed, will again start up these culture wars that we went through ten years ago.

"And Mr. Speaker, the bill we pass today will say to our constituents, or, do we say to our constituents, 'Oh this bill is just about legal rights and has nothing to do with same-sex marriage.' I would contend we're setting ourselves up for a fall, Mr. Speaker. I don't want to be the one who says, 'I voted for the bill before I voted against it,' because the issue will be coming back to us. And when it comes back, you will need only a bit of a tweaking in its title, and bingo, we've got same-sex marriage.

"So let's stop pretending that the issue will be resolved today, because I know, you know, and everybody in this Chamber knows that this is just round one. The fact of the matter is, we are not voting for civil unions with this bill, we are voting for same-sex marriage. I'm voting 'no' on this bill for the same reason that the Chair of EEP refused last week in a hearing to not even be able to study nuclear energy development for electricity, fearing even a study could lead to the nuclearization of Hawaii."

Representative Evans rose to a point of order, stating:

"Mr. Speaker, the speaker has been talking about this bill, and now he is referring to something done by another Committee Chair. I would think that's inappropriate."

The Chair addressed Representative Ward, stating:

"Representative Ward, would you confine your remarks to the bill before us, and not the process?"

Representative Ward: "I want the people to understand, Mr. Speaker..."

Speaker Say: "...but not the process, Representative Ward."

Representative Ward: "I want the people to understand, Mr. Speaker that sometimes, it's not what's in front of us, it's what's behind the bill that is..."

Speaker Say: "Representative Ward, please continue on with your remarks."

Representative Ward: "Okay, I won't give the example where the Chair of Judiciary wouldn't hear the bill about the definition of a fetus, because it might..."

Speaker Say: "Representative Ward, could you confine your words?"

Representative Ward: "Okay, let me continue with the heart of the issue. My point is, Mr. Speaker, bills are rejected because the Chairs know what is behind them, and with H.B. 444, we too have to know what is behind the bill."

Speaker Say: "Representative Ward, you may be inferring something that may be incorrect at this point, as far as what the Chairs decide to do on measures. Please proceed with your statement."

Representative Ward continued, stating:

"So, the bottom line, Mr. Speaker, is let's not be naïve about this. Let's give rights, but let's not give away marriage. The majority of the people have already spoken about marriage. Seventy percent clearly indicated in 1998, that they do not want same-sex marriage. And parenthetically, Mr. Speaker, neither does our new President, Obama, want same-sex marriage.

"But if this Body does want same-sex marriage, let's do the right thing and take it to the people of Hawaii, and let it go to a vote. The people deserve a say in this process, which I started out saying, if it's so macro, so structural, everybody should be able to weigh in on it.

"So lastly, Mr. Speaker, I am ready to admit I am wrong, if this bill passes and stops at civil unions. But, perhaps the Majority Leader would like to respond to assure us that his goal, and the ultimate goal of this piece of legislation is not same-sex marriage. And if the goal is same-sex marriage, that he would admit openly and honestly that that is the case.

"Again, I don't have a problem with civil unions. I have a problem with same-sex marriage, like the rest of the majority in this State, and possibly a majority in this Chamber. Again, the bottom line is, let's give rights, but let's not give away marriage. Mr. Speaker, I yield to the Majority Leader if he'd care to respond. Thank you."

The Chair addressed the Body, stating:

"Is there any other discussion, Members of the House? The Chair has requested to the Members that we take this up on Third Reading, but if you would like to make your statement now, that will be incorporated into your statement on Third Reading."

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

"Mr. Speaker, just very briefly, I'd just like to respond and clarify, since I think some of the statements were directed at me. So if you don't mind, I'd like to take this moment to state my reasons in support, and I think that's the problem when you read things out of context.

"When I talked about this being the first step, what I was really talking about is the legislative process. As we all know, we have Second Reading, Third Reading, then it goes to the Senate for three Readings. They will have a Committee hearing, or two Committee hearings. If that happens, it goes to Conference, and then we have Final Reading.

"So when I said first step, that's the battle and the boxing match I was talking about. And really, that's the round one that I'm speaking of, because this is only the beginning. We're three and half weeks into Session. We've got a long way to go. So, that really was what I was talking about. So, at this point, there is no ultimate goal. I think that is something for each legislator to decide, for each legislator when they get elected. That's democracy, that's the way it works, and that's the way I want to see it happen. Thank you."

Representative Ching rose in opposition to 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 rise in opposition to H.B. 444 - Relating to Civil Unions. In July of 1997, the Legislature enacted the Reciprocal Beneficiaries law (Act 383) providing reciprocal beneficiaries with hospital visitation, insurance benefits and property and inheritance rights. This bill is unnecessary.

"When a controversial law such as H.B. 444 comes to this Body we must look to the people of Hawaii for guidance and take into account what they have to say. To find out what the people of Hawaii have to say on H.B. 444 we need not look any further than their vote in 1998 on this very same issue, where an overwhelming 70 percent of Hawaii's voters voted in favor of traditional marriage."

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

"Thank you, Mr. Speaker. I would like a no vote, and I will wait until Thursday."

Representative Ward rose to respond, stating:

"Mr. Speaker, yes. I rise for a brief refutation. I'm pleased that the Majority Leader has come out saying that this is not a hidden agenda for same-sex marriage. If that is true, all of the previous citations of the Caucus of the Democratic Party will not hold true also, even though I'm not sure that he can speak for them.

"The fundamental issue is this Mr. Speaker. If this is about rights and rights for equality, we already have the repository of reciprocal beneficiaries. We could just pile it to the very top if it was just about rights. But because we have not chosen that view, then everybody is saying civil unions is the only way to go. That to me says, we're not really interested in rights. We're not really interested in equality. We want something above and beyond that, which if you look at what happened in Massachusetts, it was civil unions, which then proceeded to same-sex marriage.

"Mr. Speaker, it is naïve to think that we are not on the path towards that, and we are fooling ourselves if we're just playing around with rights, because if we really wanted to do rights, we would fill up with a bundle of rights, the reciprocal beneficiaries. Thank you, Mr. Speaker."

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Aquino, Ching, Choy, Finnegan, Har, Manahan, McKelvey, Sagum, Tokioka and Ward voting no, and with Representatives Awana, Mizuno and Takai being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 43) and concurrent resolutions (H.C.R. Nos. 53 through 55) were referred to Printing and further action was deferred:

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH A BLUE RIBBON PANEL TO CONDUCT A HEALTH CARE NEEDS ASSESSMENT AND OPERATIONAL STRUCTURE ANALYSIS," was offered by Representative Yamane.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH A BLUE RIBBON PANEL TO CONDUCT A HEALTH CARE NEEDS ASSESSMENT AND OPERATIONAL STRUCTURE ANALYSIS," was offered by Representative Yamane.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INCREASE FOR MEDICARE REIMBURSEMENT IN HAWAII," was jointly offered by Representatives Coffman, Chong, Evans, Magaoay, B. Oshiro, Say and Souki.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO INCREASE REIMBURSEMENT TO HAWAII PROVIDERS," was jointly offered by Representatives Coffman, Chong, Evans, Magaoay, B. Oshiro, Say and Souki.

ANNOUNCEMENTS

Representative Wooley: "Thank you, Mr. Speaker. I'd like to announce the 2009 Legislators' BBQ. It will be on February 28th, from 11 a.m. to 4 p.m. at Kualoa Ranch. I will be handing out a flier.

"Unfortunately there is limited space, and I will need an RSVP by the 13th for yourself, your spouse and children. And after that, we can open it up also to staff. So that will be in the flier, and just get back to my office and let me know. Mahalo."

Representative Mizuno, for the Committee on Human Services requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making on H.B. No. 912, Relating to Child Welfare Services to be held on February 11 from 9:10 a.m. in Conference Room 329, and the Chair "so ordered."

Representative Mizuno: "This will be in the timeslot of the Hawaiian Affairs Committee. The Chair of the Committee on Hawaiian Affairs does know about this, and concurs with this request."

Representative Bertram: "Yes, on this auspicious occasion of a Second Reading, I wanted to announce that we will be having Family Fun Day in Room 224, on Thursday, from 2 to 4 p.m.

"This is for alternative families and it's a part of the Year of the Family celebrations that are being held in Hawaii. And we will have the GLBT Caucus there with their families to celebrate that and to celebrate the passage, so far, of getting some legal representation for them. So please, everybody's invited. There will be *pupus* and fun."

ADJOURNMENT

At 12:33 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 11, 2009. (Representative Takai was excused.)