

ELEVENTH DAY

Thursday, February 4, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:05 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Representative Jon Riki Karamatsu, who asked for a moment of silence in memory of former legislators: the late Nadao Yoshinaga, the late Stanley Hara, and the late Jack Suwa; and House staff member, the late Mr. Jon Kobayashi.

The Roll was called showing all Members present.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Days were approved.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 167) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 167, dated January 11, 2010, transmitting the Hawaii Bioenergy Master Plan report pursuant to Act 253, Session Laws of Hawaii (SLH) 2007.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 8) was received and announced by the Clerk:

Sen. Com. No. 8, transmitting S.B. No. 2179, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 3, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred:

S.B. No. 2179, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 56) was received by the Clerk and was placed on file:

Dept. Com. No. 56, dated February 3, 2010, from Marion M. Higa, State Auditor, transmitting the report, Study of Proposed Mandatory Health Insurance Coverage for Colorectal Cancer Screening.

INTRODUCTIONS

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

Representative Mizuno introduced students and parents of the Christian Homeschoolers of Hawaii, along with their Vice President, Pastor Peter Kamakawiwo'ole and Ms. Lora Burbage.

Representative Thielen requested a moment of silence at the appropriate time, in memory of former Mayor, the late Frank Fasi.

Representative Finnegan introduced an intern in her office, Mr. Lanson Hoopai.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
13	Jointly to the Committee on Human Services and the Committee on Health
14	Committee on Education, then to the Committee on Finance
15	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
16	Committee on Economic Revitalization, Business, & Military Affairs
17	Committee on Housing, then to the Committee on Finance
18	Committee on Education
19	Committee on Judiciary
20	Committee on Judiciary, then to the Committee on Finance
21	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
51	Jointly to the Committee on Human Services and the Committee on Health
52	Committee on Education, then to the Committee on Finance
53	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
54	Committee on Economic Revitalization, Business, & Military Affairs
55	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
56	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
57	Committee on Housing, then to the Committee on Finance
58	Committee on Education
59	Committee on Judiciary
60	Committee on Judiciary, then to the Committee on Finance
61	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance

S.B.**No. Referred to:**

2179, Committee on Labor & Public Employment, then to the
SD1 Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENTS

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

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

340, Committee on Tourism, Culture, & International Affairs, then
HD1 to the Committee on Finance

2523 Committee on Finance

2991 Committee on Finance

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 91-10) recommending that H.B. No. 2297, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 92-10) recommending that H.B. No. 2354, 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. 2354, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 93-10) recommending that H.B. No. 2829, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2829, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this bill. This bill requires hospitals to disclose infection rates; and protects patient privacy rights.

"Hospitals in Hawaii have begun to address this issue, individually and through the Healthcare Association of Hawaii's Patient Safety and Quality Committee. This committee will address the issue of hospital-acquired infections, as well as other quality and patient safety issues faced by hospitals and other health care providers. Additionally, the Patient Safety and Quality Committee has created an Acute Care Data Subcommittee that is responsible for defining, analyzing, and formatting quality and safety

measures and projects pertinent to acute care hospitals. Among other information, the subcommittee is considering infection control guidelines issued by the Centers for Disease Control and other agencies. The subcommittee will develop a strategy that all of Hawaii's hospitals can support.

"As the Department of Health pointed out, this legislative short-cut mechanism comes at an inopportune time when hospitals can least afford to respond to a 'knee-jerk' legislative mandate. According to the Department, "State administrative rules already require data reporting for infections listed in the bill while other administrative rules also require facilities to have active infection control programs. Medicare's certification requirements require that Medicare approved hospitals and nursing homes have active infection control programs and national accreditation bodies such as the Joint Commission require infection control programs. All of Hawaii's hospitals and nursing homes are Medicare certified and all of Hawaii's major hospitals and medical centers are accredited."

"It is best to let the hospitals continue their work to create a reasonable, workable transparency mechanism that will guarantee the greatest degree of success possible in providing quality healthcare for Hawaii's people."

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.B. No. 2829, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Finnegan voting no.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 94-10) recommending that H.B. No. 2075, 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. 2075, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Second Reading and was referred to the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 95-10) recommending that H.B. No. 2073, 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. 2073, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose in support of the measure with reservations 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 with reservations of H.B. 2073 – which authorizes the Department of Education to adopt rules and assess fees for parking on roadways and in parking areas under its jurisdiction, except for school-related functions and activities.

"Although this measure would serve as a source of revenue to benefit the Department of Education and indirectly our students, these fines would impact positive community groups such as the Boy Scouts. These educational facilities are where some of the best work in our communities is done. Schools and other DOE property have proven to be a place of congregation for many community members, and these fees will serve costly for individuals who are benefitting the community.

"As stated by the Board of Education, this bill would, "generate a source of additional revenue to benefit public education and public schools", we need considering our current economic situation, but I would like to know how the Department of Education plans to implement and monitor these

fees. I believe that this bill could prove to be more complicated in action than it seems on paper.

"In order for HB 2073 to be effective and efficient, cooperation, communication and clarification are essential. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2073, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 96-10) recommending that H.B. No. 2393, 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. 2393, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise to speak in favor of this bill, but would like to express some reservations. Basically, it's a good program, but it's just not a good time to start a new program with generous tax credits. This is not really so much for agriculture *per se*, but for agriculture processing on agricultural land. But I voted with reservations on several measures in the Committee because they entail the formation of new funds and also the formation of several new fees. I'm strongly for agriculture, but I hate to see more fees assessed upon our farmers and the agricultural community. Thank you."

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. 2393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 97-10) recommending that H.B. No. 2447, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2447, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition to Stand. Com. No. 97-10 with brief comments. Three reasons we shouldn't audit DBEDT and its overseas offices. Number 1, they are already in the cycle of being audited regularly as all departments are. Secondly, if there is some problem with DBEDT because of other personality conflicts, we should not be putting that as one of the reasons for it. And thirdly, the overseas offices are the engine of the future of our economy, Mr. Speaker, China, in particular. To now cast a doubt as to the advocacy and the efficiency of the Chinese overseas office, I think is just bad policy, and using taxpayers money to do something that's already being done, I think is too much of a vindictive reaction rather than a substantive, objective approach to economic development. Thank you."

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

"Yes, Mr. Speaker, a no vote please. Mr. Speaker, I have found the Auditor's reports to be less than impartial, and I don't see that this makes any sense to continue going after DBEDT and going after its director. It's unseemly in my mind, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. The purpose of the bill is to require the Auditor to conduct a management and financial audit of DBEDT's out of state offices, at least every two years. The fact that they're out of state and some of these are overseas, it would seem prudent that we look at how the money is being spent, so I think this is a real viable request. Thank you."

Representative Ching rose in support of the measure with reservations 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 [*sic*] to H.B. 2447 - Relating to Out-Of-State Offices. This bill must be looked at through equitable eyes. I believe in these formidable economic times the State Legislature must support DBEDT and not try to entangle one of our States most abundant sources of revenue. I fear that this bill might harm DBEDT and the State of Hawaii on current and future projects by conveying a message of weakness and doubt in DBEDT. Now is the time to support DBEDT, not cast a shadow on them. Thank you."

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

"Mr. Speaker, I will be voting with reservations. I believe that the cost of the audit will be assessed against DBEDT and I think that's rather unusual. Thank you."

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. 2447, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Thielen and Ward voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 98-10) recommending that H.B. No. 2351, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2351, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Transportation.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 99-10) recommending that H.B. No. 1965, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1965, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

"Yes, I just want to note my reservations on Stand. Com. No. 99-10, Relating to Historic Preservation, with a couple comments. What this bill does is it requires an archaeological inventory survey prior to the sale or offer of sale of any undeveloped property in this State. I just wanted to flag this just as a concern since not too long ago, we passed a historic preservation bill that related to taking pictures before the sale of a home

was made, and that caused a lot of problems for people trying to sell their homes, as well as give it to family members.

"So I just wanted to express concerns that I hope that if this bill goes through, that it does not hurt our economy in any way and we can find some type of compromise that can still promote the purpose of this bill without hindering our economy."

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

"Mr. Speaker, severe reservations on this same measure. The other bill that we ultimately repealed brought the building industry to a halt in a critical time when we needed to have those jobs and that construction going on in the economy. I don't like to see us go down the very same road only now, with a larger tract of land."

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

"Reservations, and I think it has a good idea on the premise of this bill, but I think that SHPD is already burdened financially and it would be very difficult. I just want to ask for additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations of H.B. 1965 – which requires an archaeological inventory survey prior to the sale or long-term lease of any undeveloped property in the State.

"Being the founder of the Heritage Caucus, I strongly believe that all steps should be taken to ensure the preservation of historic land and properties, yet I feel as if these archaeological inventory surveys may be redundant of other programs. As stated by the Historic Hawaii Foundation, "it is unclear how the new requirement...would be integrated with other planning."

"A concern arises that there is no reference to differences in land size and the implications that may come about from land size in this measure. However, this is an issue that I feel can be quickly resolved. Thank you."

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

"Thank you. With reservations, Mr. Speaker. This bill would require an inventory of all undeveloped lands and I think it's much too broad as presently written. I think if it were somehow more clearly defined it would not be as expensive or onerous. So I look forward to future Committees weighing in on this issue. Thank you."

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

"Thank you, Mr. Speaker. In support of Standing Committee Report 99-10. Thank you, Mr. Speaker. I appreciate the Committee passing this measure for the discussion mainly because there have been incidences where realtors have sold property, undeveloped property, not knowing the findings of our *kupuna iwi* and cultural sites, and therefore have come to a situation where when they plan to develop or build on that property, they cannot because it was disclosed.

"So purely this measure will help before any buyer purchases the land that they are aware that there are possibilities of cultural sites or archaeological sites, as well as the *kupuna iwi* because we have had situations where people who have purchased properties have come across that situation. Thank you, very much."

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

"In support with reservations. Thank you. I appreciate the comments made by the previous speaker and I do support the intent of this particular measure. The reason why I voted with reservations in the Committee really

is for one purpose, and that is there is no definition of the size of the land parcel. I had some concerns regarding very small parcels. So as the Water and Land Committee begins to look at this, because the Chair of Economic Development said, in terms of our jurisdiction, it was only pertaining to what we see here today. I encourage the Water and Land Committee to take a look at that issue and maybe we can resolve this particular concern that I have. Thank you."

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

"I'm standing in support. We were in our Economic Development Committee talking about economic development, and the pertinence of this bill can't be underestimated because what happens is undeveloped land gets sold to someone. They go out with a vision understanding how they're going to develop it. Then all of a sudden, they discover they can't. So now they're back to square one in terms of their master planning.

"And a very good example and the reason I stood up is to tell everyone about the UH West Hawaii College Campus where the Governor had Executive Ordered 60 acres of State property to UH. They had a plan for a 60-acre campus. When they went on the land and started doing their surveys and understanding what was there, they actually lost 24 acres because of the significant sites that were on that property. So that totally took them back to square one. So it is an economic value and it does impact why people buy land. Without knowing it, it could jeopardize the project. Thank you."

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. 1965, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 100-10) recommending that H.B. No. 1942, 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. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS COURT," passed Second Reading and was referred to the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 101-10) recommending that H.B. No. 2185, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2185, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, if I could just submit some written comments for Stand. Com. Report No. 101-10. In strong support," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill moves the primary election date to an earlier time and makes various amendments to absentee ballot laws to be consistent with federal law.

"Although our Caucus introduced a similar bill and it passed out of the Economic Revitalization, Business & Military Affairs Committee by the Representative from Maui, it was my hope that partisanship would be put aside for the sake of those who sacrifice greatly for our country. It now appears, however, that a different bill will move forward instead.

Nevertheless, I am glad that it appears as though the Hawaii State Legislature cares enough to ensure that our military's votes are counted in elections. Supporting the troops means ensuring that their voices are heard and their votes counted."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 102-10) recommending that H.B. No. 424, 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. 424, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 103-10) recommending that H.B. No. 2381, 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. 2381, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just have some reservations on No. 103-10. I think this is a good bill and what this bill does is it give tax credits for residential construction and remodeling. I really hope that the next Committee would consider expanding that to commercial development and remodeling. They're the ones that perhaps might have a little bit more capital to start these projects on a bigger scale so that more workers can have jobs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 104-10) recommending that H.B. No. 2520, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2520, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC READY NEW RESIDENTIAL HOMES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 105-10) recommending that H.B. No. 2631, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2631, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Pine 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. 2631, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 106-10) recommending that H.B. No. 2080, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2080, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Transportation.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 107-10) recommending that H.B. No. 2574, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2574, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Transportation.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 108-10) recommending that H.B. No. 2205, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2205, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to request a ruling on a potential conflict on Stand. Com. No. 108-10. My wife is a registered nurse," and the Chair ruled, "no conflict."

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"On the same measure, I just basically wanted to express a concern. The Board of Nursing opposed this measure and I think it is probably because there is action on a national level to deal with certification and credentialing. This is a significant cost item for hospitals and for people personally. So I think as this goes forward, we ought to consider those things. Thank you."

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

"Thank you, Mr. Speaker, thank you Members for your indulgence. On Stand. Com. No. 108-10, first of all I want to state a potential conflict. I'm a registered nurse," and the Chair ruled "no conflict."

Representative Cabanilla 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. 2205, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Cabanilla voting no.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 109-10) recommending that H.B. No. 2939, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2939, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"This bill is Related to the Long Term Care Commission. In a sense I think we created the commission and we gave them a mandate to have a study and to report to us. But for us to be telling them what they should be studying and doing is a little bit inappropriate. They have collected private money with much effort to do this study. So to tell them what they should be including is a little bit presumptuous. Thank you."

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

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LONG TERM CARE COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 110-10) recommending that H.B. No. 2086, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2086, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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. 2086, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 111-10) recommending that H.B. No. 2573, 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. 2573, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 112-10) recommending that H.B. No. 1932, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1932, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 1932. This bill provides penalties for the misbranding of fish or fish products that result in consumer illness and creates the food misbranding special fund to support Department of Health inspectors investigating incidents of fish or fish products misbranding. This measure has established absolutely no causal link between the alleged problem of mislabeling fish or fish products and the few instances of illness that served as the catalyst for this measure. The lack of supporting testimony of this measure by anyone other than the Teamsters Union, underscores the lack of gravity or widespread impact of this supposed issue. Furthermore, at a time when the State faces so many pressing issues, I cannot in good conscience devote time and legislative energy to an issue whose harm remains unsubstantiated. By putting the mislabeling of fish in statute, this measure falsely implies that the mislabeling fish is the most significant and widespread of harms related to food safety facing the public."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1932, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD LABELING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Finnegan voting no.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 113-10) recommending that H.B. No. 2723, as amended in HD 1, 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. 2723, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

Representative Finnegan rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HB 2723. This bill amends the Food Safety Consultative and Education Program under the Department of Health to include information and education efforts regarding food allergies and anaphylaxis and establishes a "food allergy friendly" restaurant designation program.

"Although this bill has a worthy intent, I believe that we must first determine whether the mandates of this measure are properly a core government function. Ultimately, those who eat at a restaurant share in the responsibility of ensuring that they are eating items that properly fit with their diet. Those individuals who suffer from food allergies must ultimately take responsibility for being careful in what they consume because the risks are too great not to be responsible. Additionally, an entity that addresses these concerns already exists at the Department of Health. I am not averse to considering this kind of service in the future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2723, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Finnegan voting no.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 114-10) recommending that H.B. No. 2792, 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 Committees was adopted and H.B. No. 2792, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 115-10) recommending that H.B. No. 2149, 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. 2149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 116-10) recommending that H.B. No. 2804, 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. 2804, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 117-10) recommending that H.B. No. 2497, 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. 2497, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 118-10) recommending that H.B. No. 340, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 340, HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs, seconded by Representative Evans.

At 12:27 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 340, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," was recommitted to the Committee on Tourism, Culture, & International Affairs.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 119-10) recommending that H.B. No. 1853, 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. 1853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Second Reading and was placed on the calendar for Third Reading.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 120-10) recommending that H.B. No. 1900, 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.

1900, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Second Reading and was placed on the calendar for Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 22 through 24) and concurrent resolutions (H.C.R. Nos. 62 through 64) were referred to Printing and further action was deferred:

H.R. No. 22, entitled: "HOUSE RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was jointly offered by Representatives Yamane, Aquino, Brower, Manahan and Mizuno.

H.R. No. 23, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Brower.

H.R. No. 24, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION," was jointly offered by Representatives Yamane, Aquino, Brower, Manahan and Mizuno.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was offered by Representative Brower.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH"," was jointly offered by Representatives Mizuno, Aquino, Brower, Manahan and Yamane.

ANNOUNCEMENTS

Representative Belatti: "Thank you, Mr. Speaker. I rise with your indulgence and the indulgence of this Body to make a few comments and to ask that we have a moment of silence to close today's proceedings for a son of Hawaii and Makiki who we just lost, Mayor Frank Fasi. I promise my comments will be short.

"Without a doubt, Mayor Fasi had a colorful reputation, alternatively called a firebrand, trailblazer and maverick. He will be remembered for his *shaka* sign, political posters, and he will be remembered for the many battles he waged, for better or for worse. But in my community and throughout Honolulu, he will surely be remembered for how he stood for the little guy.

"Richard Borreca of the *Star-Bulletin* recently wrote, "With Fasi there was someone who not only could create needed City services, but understood why they were needed. Satellite City Halls, free summer fun programs, free buses for seniors, community gardens, and open markets all came about because Fasi understood the little guy."

"Mr. Speaker, on behalf of many in my community and throughout the City & County of Honolulu, we are those little guys. In my *hanabata*

small-kid days I was a direct beneficiary of those free summer fun programs and the bus services. Today I continue to be a beneficiary of his legacy with community gardens, farmer's market, and the existence of the Makiki Community Library - the only public library within a City's park system. These things all make living in urban Honolulu a pleasure.

"My condolences to the family of Mayor Frank Fasi. My closing comment would be that as we proceed forward, that we remember many of these great individuals that we lost over the past year and that we remember that we have big shoes to fill, and big shoulders to stand on. So with your indulgence, Mr. Speaker, I ask that we rise for a moment of silence."

ADJOURNMENT

Representative Evans moved that the House adjourn until 12:00 o'clock noon tomorrow, Friday, February 5, 2010, seconded by Representative Pine and carried.

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late former Mayor Frank Fasi.

At 12:32 o'clock p.m., the Chair rapped his gavel and the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 5, 2010.