

TWELFTH DAY

Friday, February 5, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:03 o'clock p.m., with the Speaker presiding.

Representative Chris Kalani Lee introduced Ms. Cheryl Inouye, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Chang, Chong, M. Lee and Yamashita, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 168 through 170) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 168, dated January 11, 2010, transmitting the 2009 Annual Report prepared by the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, Hawaii Revised Statutes, as amended.

Gov. Msg. No. 169, dated January 14, 2010, transmitting H.B. No. 500, Act 213 (2007), Part 3, Section 105, Inmates Mental Health Services at Oahu Community Correctional Center, Halawa Correctional Facility, and Women's Community Correctional Center, and S.B. 914, Act 144 (2007), Mental Health Services for Committed Persons Report.

Gov. Msg. No. 170, dated February 4, 2010, transmitting the Hawaii Housing Finance and Development Corporation's (HHFDC) Report to the Twenty-Fifth Legislature, State of Hawaii 2010 pursuant to S.C.R. No. 87, S.D. 1 (2009) Urging the HHFDC to Convene a Task Force to Review State and County Affordable Housing Approval Requirements and Procedures; the first page of the report was inadvertently left out.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 9 through 11) were received and announced by the Clerk:

Sen. Com. No. 9, transmitting S.B. No. 2177, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 4, 2010.

Sen. Com. No. 10, transmitting S.B. No. 2178, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 4, 2010.

Sen. Com. No. 11, transmitting S.B. No. 2201, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on February 4, 2010.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Chang, Chong, M. Lee and Yamashita were excused.)

- S.B. No. 2177, SD 1
- S.B. No. 2178, SD 1
- S.B. No. 2201, SD 1

INTRODUCTIONS

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

Representative Awana introduced members of her legislative staff, Ms. Momilani Awana, Ms. Jenny Quezon and Mr. Jerald Ulmer, Jr.

Representative C. Lee introduced Kailua resident and friend, Ms. Rieko Ogata, accompanied by his legislative staff, Ms. Lina Le.

Representative Souki introduced his friends, Dr. William and Mrs. Sandra Martin of Maui, and Mr. Sam and Mrs. Pat Lee of Singapore.

Representative Takai introduced his son, Master Matthew Takai.

Representative Marumoto introduced her student intern, Mr. Aaron Cornelison of Kapiolani Community College.

At 12:11 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

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>
22	Jointly to the Committee on Human Services and the Committee on Health
23	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
24	Jointly to the Committee on Human Services and the Committee on Health

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
62	Jointly to the Committee on Human Services and the Committee on Health
63	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
64	Jointly to the Committee on Human Services and the Committee on Health

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
747, HD1	Committee on Judiciary, then to the Committee on Finance
2288	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

- 2473 Committee on Labor & Public Employment, then to the Committee on Judiciary
- 2563 Committee on Judiciary, then to the Committee on Finance
- 2735 Committee on Judiciary

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representative M. Lee was excused.)

UNFINISHED BUSINESS

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 90-10) recommending that S.B. No. 1311, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 12:33 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1311, SD 1, HD 1

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 121-10) recommending that H.B. No. 2679, 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. 2679, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations and a question on Stand. Com. No. 121-10, Mr. Speaker, which is a good bill because it says we've got to diversify away from automobiles. We've got to get the carbon footprint minimized, but this says it's only going to take alternate electric vehicles as the option. In my district there are a lot of noisy, small, gas, oily additives that go on to bicycles, which seems to be an alternative because it's probably so cheap and you don't have to have the battery so I think if it moves on, this should include those noisy, little things too. 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. 2679, entitled: "A BILL FOR AN ACT RELATING TO HYBRID BICYCLES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 122-10) recommending that H.B. No. 2404, 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. 2404, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 123-10) recommending that H.B. No. 2225, 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. 2225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOBILE COMMUNICATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 124-10) recommending that H.B. No. 2083, 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. 2083, 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 Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition to this particular bill. This would require a date be stamped on milk as to when it was pasteurized. It already has a date of packaging and so I think this is superfluous and unnecessary. Thank you."

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

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. 2083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Marumoto voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 125-10) recommending that H.B. No. 2921, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2921, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 126-10) recommending that H.B. No. 1953, 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. 1953, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker, thank you. I am standing in opposition of House Bill 1953. What this bill does is it imposes a general excise tax increase of 1% on the gross proceeds from the sale of real property. The reason I'm in opposition to this bill, Mr. Speaker, is this bill really is a slap in the face to my community. I understand that we introduce bills for discussion and to

keep vehicles alive, but I just need to express to the Body what the people in Ewa Beach are feeling right now.

"Ewa Beach is the place that has the highest foreclosure on the Island of Oahu so my residents are really suffering. Not only have they had to deal with the ARM loans that are all being adjusted this year for most people, they are also now dealing with this economy where sometimes not just one breadwinner, but two breadwinners in the house have lost their jobs.

"The reason why this is a bill that's so hurtful to my community is many are just trying to sell their houses at the prices that the bank will allow. Many of them are short sales. Many of them are still in negotiations with the banks asking them to please allow us to sell it under the value that they bought it for just so they can keep their credit clean and not have banks go after them when they still don't have jobs. So to add this extra one percent when the banks are barely agreeing to sell some of the homes now, it really is going to hurt our economy in Ewa Beach and continue to hurt the families further in Ewa Beach."

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

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

"Mr. Speaker, this is another measure I'm in opposition to. It raises general excise tax 1% and I think it will really increase the cost of our housing. It unfairly singles out the commissions of real estate people and also raises the Conveyance Tax. I think it's egregious and so I would encourage all persons to vote no. Thank you."

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

"Thank you, Mr. Speaker. I'm in opposition and just have a short explanation. Thank you, Mr. Speaker. You know in this market in real estate, those who are selling are selling for a reason. And a lot of them, because this is a bad market for those who are selling and it's a buyer's market to get things at a low price. So what you're saying is you're targeting this type of legislation to those who are selling properties right now until 2015. These are the folks who most likely have to sell their properties for one reason or another. One, they can't afford the payment on their properties, or two they have to get the equity out because maybe they can't make a loan.

"So those are the kind of people that you're going to go ahead and say if it's a \$400,000 property or gross proceeds, they're going to have to spend another \$4,000. If their property is underwater, that is another \$4,000 that they're going to have to pay. Mr. Speaker, this is, to me, hitting those who are looking for ways to get out of not being able to afford their home in this kind of real estate market, as well as this kind of economy and I very strongly disagree with this bill."

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

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

"Mr. Speaker, a no vote for me and a brief comment. Mr. Speaker, we have some good news that real estate is actually starting to turn around. There's a 10% increase in prices even though the number of sales is not so good. But if we remember 10 years ago, it was real estate that led the charge to get us out of the doldrums. Right now, if this is what's happening, this would not be the time to either suppress, dampen, or lessen what otherwise could be the beginning of another turnaround because if there is anything we need, it's a turnaround in our economy, and if this is going to affect that. We don't want to be a job killer and an economy downer. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. Brief comments, Mr. Speaker. First of all, this measure, if you actually read the bill it states very clearly that, there is hereby levied and shall be assessed and collected annually a privilege tax against a sole proprietorship, partnership, corporation, or limited liability entity that as a business or part of a business, sells real property owned in fee simple by the sole proprietorship, partnership, corporation, or limited liability entity to another person. The tax shall be equal to 1% of the gross proceeds received for the sale of the real property, less deductions for any, one, commission paid from the gross proceeds by the seller to a real estate broker or salesperson who is subject to the tax under Section 237-136, and two, tax paid under Chapter 247 on the conveyance of the real property.

"So I'm a little bit perplexed as to some of the comments that were brought by the Minority, particularly the Representative from Ewa Beach given the fact that it doesn't necessarily apply to homeowners *per se*, but the type of business that you're in.

"Secondly and more importantly and I think that this really should be directed to the Representative from Ewa Beach, this bill goes directly towards infrastructure improvements. Infrastructure on West Oahu is something that we all need greatly, and all of the money, the proceeds that will be raised from this tax, would in fact go towards funding of infrastructure, whether its repair and maintenance, or new building infrastructure on all of the respective counties.

"For these reasons, Mr. Speaker, I stand in strong support."

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

"Mr. Speaker and Members, I want to disclose a potential conflict of interest. I'm a realtor and a principal broker," and the Chair ruled, "no conflict."

Representative Souki continued in opposition to the measure, stating:

"Thank you, very much. I want to record a no vote on this particular measure. Not only because it affects real estate, the LLCs, and transference of property, and I think that's you're just simply hurting business by doing that. We're supposed to be improving our image for business and this does not improve our image for business.

"And more important, I guess what we're doing is looking at ways to resolve the financial situation that we have. And as we look for a resolution it is somewhat of a *déjà vu* from the last Session. We're taxing little businesses, and little items here and there. We're getting a little bit of money here, and little bit of money there. We're not really resolving the deficit problem. We're not really resolving the economic situation that we have at all, but exasperating it. So I'm offended with something like this because I think we should be looking at the bigger picture. In due respect to the author of this bill, I think there are better ways to handle the infrastructure situation rather than providing this particular tax. Thank you, very much."

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

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

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

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

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

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

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

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

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

Representative Pine rose to respond, stating:

"Thank you, Mr. Speaker. Just in rebuttal. I just want to explain to you, Ewa Beach again just so that people understand why after reading the bill very thoroughly, it still affects my residents. In Ewa Beach we have many homes that also are businesses. We're allowed in many areas of Ewa Beach to also have our businesses, and so this bill affects every aspect of the different types of businesses, as well types of living arrangements in Ewa Beach.

"And I have to tell you, infrastructure is extremely important to the people of Ewa Beach, however if we don't own a car anymore because we lost our job, if we don't have a house anymore because we're increasing taxes, and if we don't have a business, having infrastructure really means nothing when you don't really have much anymore because of the things we're doing to the people."

Representative Ching rose and asked that the remarks of Representative Souki also be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

The Chair then stated:

"Members, may we move on, since by the end of Session, you will probably have an opportunity see a wide array of legislation like this in trying to address the budget shortfall."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1953, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chang, Ching, Finnegan, Marumoto, Pine, Souki, Thielen and Ward voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 127-10) recommending that H.B. No. 2171, 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. 2171, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 128-10) recommending that H.B. No. 2833, 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. 2833, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 129-10) recommending that H.B. No. 2389, 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. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL

CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 130-10) recommending that H.B. No. 2904, 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. 2904, entitled: "A BILL FOR AN ACT RELATING TO COUNTY GENERAL PLANS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 131-10) recommending that H.B. No. 2298, 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. 2298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representatives Morita and Cabanilla, for the Committee on Energy & Environmental Protection and the Committee on Housing presented a report (Stand. Com. Rep. No. 132-10) recommending that H.B. No. 2521, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2521, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY CAPABLE CONSTRUCTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 133-10) recommending that H.B. No. 2676, 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 Committee was adopted and H.B. No. 2676, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 134-10) recommending that H.B. No. 2673, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2673, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was referred to the Committee on Agriculture, with Representatives M. Lee and McKelvey being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 135-10) recommending that H.B. No. 2759, 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. 2759, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Yes, Mr. Speaker, that one almost rolled by me. Mr. Speaker, on Stand. Com. Report 135, I'm a very strong no. I don't believe we should introduce gambling into the State of Hawaii or have it on Hawaiian Homelands. So a very strong no, Mr. Speaker."

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

"Thank you, Mr. Speaker. I also rise in opposition to say that the means do not justify the end. It's a great cause. We want to fulfill what we said in the Organic Act of 1920. The Hawaiians will have a home, and Hawaiians will be put on the land. There's still a waiting list of 25,000. This is a quick fix. It looks like it's good, but let's take note of what's happening in the economy. There are so many states now that said, 'Gambling is our elixir to our budget deficits,' and those states even now are having problems. So this is just a phantom of a savior. Thank you."

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

"Thank you Mr. Speaker, I rise in opposition. Mr. Speaker, I have had a long standing opposition to gaming for a number of reasons. Having a background in education and making sure that kids grow up in an environment where they know that there are places to go, where they can learn. A healthy environment.

"We know that from the data and from numerous other jurisdictions that when you introduce gaming, what it does is people think it expands the pie, but that's been proven false. It actually divides the pie. When people decide to spend their money, the tourists, etc., spends their money, the local resident, in this case. I know its Hawaiian Homelands, but they spend their money on something like gaming. I might add that the most important determining factor of success is a delayed gratification which goes flying in the face of gaming, but that's okay. It's delayed gratification. When you have gaming, what it does is it takes away from the income of legitimate entertainment and sometimes family entertainment like Bishop Museum, etc., etc.

"I understand when a place like Las Vegas where you have deserts; not much going on. But we're so rich here in Hawaii, rich in our culture, our heritage, our environment. I don't think we need to go this route. Thank you, sir."

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

"Thank you, Mr. Speaker. Please register a no vote for me and I'll just reserve my comments for Third Reading."

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

"Thank you, Mr. Speaker. In support. The purpose of this bill is to provide the Department of Hawaiian Homelands with a mechanism, and that mechanism is to allow the beneficiaries who live on Hawaiian Homelands to look at the way that gaming is done by the tribes in the United States.

"I had the privilege of going to Washington State to observe what federal recognition could do for indigenous people. In my research I was surprised because, and I'm not a gambler myself, but I have seen a lot of the benefits in regards to their gaming. They started with bingo, and through that bingo they allowed through the revenues that they reinvested in their community, they built their casino. And through those revenues they were able to build their hotel.

"But what impressed me the most is that this is a tribe that was able to improve their healthcare system. They have their own healthcare insurance. They have a beautiful medical facility, a health center. They promote the arts where there is actually entrepreneurship and the tribe has reinvested that money to encourage more small business owners which are native people. They also have Native construction owners and subcontractors where they're building affordable housing. But more

importantly, they are the owners of their cable company, their telephone company, and their electric company and they produce renewable energy selling it outside of the tribe.

"One of the things that I felt so much compassion for is that it's not just their tribal people that go to the casino. It's also the people outside. And the way that they market it, because they realize there is a market for gaming, that actually enhance their quality of life.

"The other thing that I got to see was their social programs. Yes, everyone is saying that there will be social ills around gaming, but I can tell you that in their tribe, they're taking care of it because of the revenues that have been reinvested in their social programs. More importantly, during these economic times their unemployment is very low. Why? Because they're able to support themselves and be self-sustaining.

"Their food source is salmon so they have hatcheries, and they've invested in their natural resources where they actually produce revenue to support their tribe's efforts.

"More importantly, the reason that I brought this forward, as the introducer of this bill, is because I look at the state of our crisis now with our budget. We have to ask ourselves as we deliberate during this Session. I had many conversations across this State with many groups, not just Native Hawaiians. Are we going to tax our people to fulfill the mandate that the State has a fiduciary responsibility to assist putting more Native Hawaiians on their land?

"Even during a question and answer period at our hearing I asked the Department of Hawaiian Homelands, 'How many of our people are on that wait list?' And this is just the fifty percenters or more. He said, almost 26,000 people are on that wait list. I also asked a question, 'How many people are you able to help with the \$30 million allocation which was as a result of a lawsuit which goes away in 2015? How many people have you folks been able to put on the land?' And he said it's an estimate between 500 and 1,000."

Representative Shimabukuro rose to yield her time, and the Chair "so ordered."

Representative Carroll continued, stating:

"If you do the math, just based on that 25,000, then you're only going to be able to put maybe 1,000 people for 25 years, and that does not include the many more people that are signing up. It's between a hundred and two hundred every month that people are signing up.

"We have a lot of other Native Hawaiians who are more than half that live in the United States who are looking forward to coming home, especially in their retirement. If you look at the case that just occurred which was the Kalima vs. DHHL, that started in 1999. But the Court ruled that the State must pay damages to Native Hawaiians who are denied access to land with the first official confirmation that thousands of families were harmed by the decades-long delay in distributing homesteads.

"Circuit Court Judge Eden Elizabeth Hifo ruled that the State Department of Hawaiian Homelands is required to place Native Hawaiians on lands set aside for them by the federal government in a prompt and efficient manner.

"I can tell you, my parents took 25 years just to get on their lands. My father is not here today to enjoy it. There are many other Native Hawaiians who fall in that category. We are not actually following our mandate or what the State says in the State Constitution where we have that fiduciary responsibility.

"Members, I'm just really asking you to see the discussion as I put a defective date on this bill to take this bill to Conference to allow for the Department of Hawaiian Homelands to have a meaningful conversation with each of their beneficiaries, and how they can raise money for their Trust. Because if you really look at it, once the \$30 million goes away in 2015, they will be coming to the State and that would hinder a lot of our social programs that we will have to look at. And today, the way I see

things, we need to be creative and everything's on the table. But if you vote no today, you're really saying you don't want that meaningful conversation.

"I respect my colleagues if you are against gaming. All I'm saying is that there are great models on the mainland. I have been to the Tulalip Tribe in Washington State. I've seen what they have done, and I've seen more positive things. They take care of their social programs because they have the revenue to do so, and their unemployment is much lower. But what I think impressed me the most is when meeting all the people there, that they're very happy and it is possible. So I ask your indulgence to please support this measure and see it through. Through our conversations that we allow the homestead beneficiaries to have that meaningful conversation, because this doesn't force them to have a casino on their homestead. This allows them to decide if its best fit for them.

"And my last point is, I'm not looking at a Las Vegas type of model because I know that the Las Vegas type model doesn't fit Hawaii. I'm looking for a uniqueness where it promotes construction jobs, it'll promote education on our culture, and about Hawaii. And I'd like to see more of our artwork that Hawaiians have done in some of our public places and this is an opportunity for small business entrepreneurs who are Native Hawaiians to provide this kind of avenue. Again, I ask for your support. Thank you."

At 12:55 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, I'm always a little amused when somebody says that we don't want to bring gaming to Hawaii. It's like anybody in this Chamber doesn't think that gambling isn't widespread in this State. If we could get a cut on all of the thousands and thousands of dollars that are going to be wagered Sunday on the Super Bowl, it will certainly improve our economic condition. Thank you."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker, still in opposition, strong opposition. And you know it reminds me when the British sold opium to China. Opium brought down China, right? So when you make something legal, it can bring down great nations. A 5,000 year-old civilization. You have a little and then you want more, right?"

"The fact is that with gaming, if you do look at Las Vegas, and I've actually been there, it very much has a lot of things of art. The Bellagio has the beautiful glassworks, so I don't know what the former speaker was talking when she says she wants to do it different from Las Vegas. Las Vegas is sort of this gold standard for gaming, I think. Most people believe that.

"The problem with gaming to me is that when you talk about social ills, it's easy to say I know about the social ills. But we all know that we're all connected, and everything is connected. And when we talk about social ills, few places have the history of the extent of crystal methamphetamine addiction that Hawaii has suffered. I want to make it real for everybody because I think it's real. When you think about gaming and when you have, if you know there is a Gambling Anonymous. There are some people who cannot help themselves. They need to keep on gambling to the point where their kids, their families, are abused. Their kids are left with no money. But to make it very real for you, it wasn't far away from here that a young one was thrown off the freeway because in part, of crystal meth.

"You know this is such a real problem. Hawaii has so much more going for it. And just really as a parent, as a teacher, we are always trying to tell the kids to spend their time wisely. Let's encourage that. You have public television. It's just like television. Not all television is bad. There's public television. Why go the route of *Girls Gone Wild*? Why go the route of the other lower standard of television? Why go that route when Hawaii has so much to offer. That's what I say. And as you can see, I very strongly oppose this."

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

Representative Aquino written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 2759 HD1.

"I believe that this bill has good intentions in supporting the Department of Hawaiian Home Lands Trust Fund and the general fund with generous distributions through a wagering tax on gross receipts of proposed casino operations. However, the proposed legislation has several consequences. First, those who may or cannot afford to gamble may be exploited in the hopes of winning – where winning is not guaranteed. Secondly, negative socioeconomic issues such as physical and mental health problems, criminal activity, abuse, and bankruptcy are likely to increase. I believe that allowing gaming to happen in Hawaii will drastically and negatively affect our island communities. For these reasons, I stand in opposition to House Bill 2759 HD1."

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

"Mr. Speaker, with reservations. I believe in the responsibility of the individual. So whether it's gambling or eating ice cream on school property, it's the responsibility of the individual and that's what we need to be raising in Hawaii."

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

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

"Thank you, Mr. Speaker. I stand with grave reservations. For every successful Indian gaming operation, I'm sure that there are lots of failures too. So we need to look at both sides."

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

"Thank you, Mr. Speaker. Just a no vote. I would like the next Committee, as they look at this bill, to remember, if you look at the State of Nevada, which is facing a billion dollar deficit largely out of Clark County where Las Vegas sits, and the unemployment rate currently in Las Vegas is over 13%. So I wish the next Committee would take a look at that."

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

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

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

Representative Ward rose to respond, stating:

"Mr. Speaker, I just want to add two comments. I already voted no actually. First, I want to commend the Chair. I wanted to commend the Chair because with that compassion and that plea, if that would have been the tone of this Body for the past 80 years, we wouldn't have the problem with Hawaiian Homes that we have. So I want to commend the Chair to keep that spirit, because that's why we dropped the ball on Hawaiian Homes. But we should also recall over the last 80 years, in the last 8 years, the number of homes that have been built in the last 8 years equals what has been built in the last 80 years, so we're making some progress.

"And secondly, Mr. Speaker, the footnote is this. This does not only affect Hawaiians. It affects everybody in Hawaii. All of us. Not just the Hawaiians. Thank you."

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

"Thank you, Mr. Speaker. I commend the Chair for putting such a controversial issue forward, but just advise that we proceed with some caution. I vote with reservations, please."

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

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

"Thank you, Mr. Speaker. A no vote and just short comments. Thank you, Mr. Speaker. I know a lot of people have been talking about the 'good and bad' of this, and I agree with one of the earlier speakers saying that there are a lot of tribes up there on the mainland that have their issues with gaming as well. I talked to many who have been at legislative conferences that have a lot of social ills. That they're rich in gaming and poor in infrastructure, and poor in education and a lot of other things so we definitely should keep our eyes open on that.

"I also want to say that the Department of Hawaiian Homelands, if I remember correctly, at one point in time, within the last couple of years, they went from \$6 million of commercial type special funds increase to about \$12 million. So that's almost half of what the Department runs on right now. I think that we should be looking at ways where we can be increasing income for the beneficiaries to have homes for them, but in the same breath, maybe we can do it in other ways, creative ways like the Department is doing right now. Thank you."

Representative Carroll rose to respond, stating:

"Thank you, Mr. Speaker, just a little rebuttal. The comment was made about this being for all people. Just to let everyone know that this bill, should it become realized, 20% would go to the general fund as far as the revenues, and 80% would go in the trust fund.

"And the second point that I wanted to make, Mr. Speaker, again is, what is the cost to the State if this form of revenue making does not take place? If we look at what happened in the Kalima vs. DHHL, they have not settled yet. In an article with the Honolulu Advertiser, our Attorney General says that he has to think about what the next steps are. It's very frightening to know what that settlement would be and if there will be other claims in the future, because the Department of Hawaiian Homelands which has made great strides to be progressive in raising those revenue, but again the cost of building homes and infrastructure is going up. I'm just looking at a long term vision. If gaming is not it, that's fine. But we all must figure out how we are going to fulfill our mandate in our Hawaii Constitution.

"Also along those lines there have been some, I guess I could say, lawsuits in regards to how the lands are being used; if it's being used with commercial leases to non-Hawaiians. Those are some of the complaints that beneficiaries feel that are taking away from their ability to get on the land.

"So the only thing I'm asking here is really to allow for this discussion to take place. To look at ways to raise revenue and to fulfill that mandate, but also know that in the past it was not as progressive because we did not have the funds and that's why many of our people have died while they were on the list. So I appreciate the conversation. Thank you."

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

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

"Yes, Mr. Speaker, I'm supporting the Representative's proposal. It is almost kind of a relief to have somebody else taking the heat for proposing something that seems to be progressive or unusual. But I do recognize her sincere desire to do something different and do something that will allow for self-determination of the Hawaiians. Her positive experience with

gaming with the Indian tribes on the mainland is something we need to take a look at. This is just giving the Hawaiians the opportunity for them to decide if they like to do this for themselves on their lands.

"This is something that we need to look at ourselves, and within ourselves as well. How do we look at ourselves and what do we do to start looking at different ways of bringing in funds? Because right now, we're all in the same boat. We're all facing the same kind of issues and if they have this extra opportunity and they can take a look at it, and they can decide how they can make it their own, then by all means, let's give them that opportunity. Thank you, very much."

Representative Belatti 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. 2759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Ching, Finnegan, Manahan, Marumoto, Takumi, Thielen, Ward and Yamane voting no, and with Representatives M. Lee and McKelvey being excused.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 136-10) recommending that H.B. No. 2672, 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. 2672, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 137-10) recommending that H.B. No. 1899, 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. 1899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 138-10) recommending that H.B. No. 2641, 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. 2641, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 139-10) recommending that H.B. No. 2365, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2365, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Second Reading and was referred to the Committee on Higher Education, with Representatives M. Lee and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 140-10) recommending that H.B. No. 2556, 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 Committee was adopted and H.B. No. 2556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representatives M. Lee and McKelvey being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 141-10) recommending that H.B. No. 2376, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 142-10) recommending that H.B. No. 2377, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 2376, HD 1, and H.B. No. 2377, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"I just would like a ruling on a potential conflict. My offspring works for the Board of Education. And Mr. Speaker, can your ruling cover all matters relating to the Board?"

The Chair responded, stating:

"No conflict because of your offspring. And yes, it will cover all at this point in time. Madam Clerk, please note for the record that for all measures dealing with the Board of Education, the Representative has asked for a ruling of a potential conflict and there is no conflict."

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

"Yes, Mr. Speaker and Members, on the same measure, Stand. Com. No. 141-10, I'm sorry for being a little bit late on this, but I have strong reservations. I believe that the Governor's Office is already too centralized and this is only going to make it more centralized. Thank you, very much."

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

"May I speak on Stand. Com. No. 141? Thank you, Mr. Speaker, I will make this very quick. On SCR 141, I do support the bill. I just wanted to voice my preferences that, as the Representative from Maui was talking about, the control being too strong with the Governor. I would like to also say that I believe that we do need a more direct and clear accountability and responsibility for the Department of Education or our education system here in Hawaii. These comments go to both Stand. Com. Report Nos. 141 and 142.

"Mr. Speaker, this is not the end all. I believe that there's no one thing that is going to change education and do education reform, but I do believe that we do have mechanisms in place that if we strengthen them, what was in Act 151, that we would be able to get the decentralization that we want. Have accountability and decentralization.

"So the preference that I would like to see is that there is no Board, and the Constitutional question to have the Board be replaced with a Superintendent under the Governor in her Cabinet. But at the same time we need to develop and strengthen Act 151 to get decentralization and more decision making down to the school. That goes for both of those bills. Thank you, very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2376, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused; and

H.B. No. 2377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 143-10) recommending that H.B. No. 2315, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2315, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations on Stand. Com. Report No. 143-10, Relating to the University of Hawaii, basically taking the TIM School and making it separate. Mr. Speaker, my wife is a TIM graduate and throughout the years it has always maintained its really top-notch status. It's always been up there with Cornell and the others. We're in the top five in the nation. What this bill does, I'm not really sure what it's trying to do by making it separate, equal or more able to get funds or whatever. But it seems to be that it's not broken given its national standing, and if it's not broken, I'm not sure why we should be fixing it. So this is a questionable bill. Thank you, Mr. Speaker."

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

"In support. The TIM School is separate right now. We don't want it going into the Business School. Through the Hawaii Hospitality Hall of Fame we raise a lot of money for TIM. If it goes into part of the School of Business, I'm not going to do it anymore."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII SCHOOL OF TRAVEL INDUSTRY MANAGEMENT," passed Second Reading and was referred to the Committee on Higher Education, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 144-10) recommending that H.B. No. 2317, 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. 2317, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representatives M. Lee and McKelvey being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 145-10) recommending that H.B. No. 2783, 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. 2783, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. No. 145-10, I would like to vote with reservations. May I say a couple comments? This is a bill that would repeal the sunset provision for a general excise tax exemption. I think our financial climate as a State should be considered in awarding further tax exemptions. Thank you, Mr. Speaker."

Representative Belatti 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. 2783, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives M. Lee and McKelvey being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 146-10) recommending that H.B. No. 2526, 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. 2526, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 147-10) recommending that H.B. No. 2491, 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. 2491, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 148-10) recommending that H.B. No. 2319, 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. 2319, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. 148-10, please note my reservations. Should this bill make it out of Finance, I will reserve my comments for then. Thank you."

Representative Finnegan 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 Finnegan's written remarks are as follows:

"I stand in support of HB2319. This bill generally restricts State low-income housing leases to no more than 5 years and requires the Hawaii Public Housing Authority to develop a transition plan, including benchmarks, to assist tenants to transition out of public housing.

"I agree with the goal and intent of this legislation. Programs need to be in place in order to help people transition from low-income housing into long-term, stable housing situations. I also believe that to achieve the intent of this legislation, we should consider future legislation that enables

residents of low-income housing to own or rent. Once again, I support this legislation as it underscores the notion that low-income housing was intended to be transitional, not permanent."

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

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

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

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

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

"I rise with strong support for this measure, Mr. Speaker. This is the 5-year maximum for public housing. I look at this as a bill of equity and fairness. There is a lot of support for those people that have been in public housing for generations. However, there is no support for those almost 100,000 local residents who are considered the 'invisible homeless,' or the 6,000 that are on the waiting list to get public housing. And there are a lot of residents in this State, Mr. Speaker, that would double up with families because they have no place in public housing. There are those people that are making minimum wage that barely have the means together, but yet they would like to go to public housing.

"It's nice to be in public housing, Mr. Speaker, because you may only be paying \$50 a month for rent. But how about those people who go and work every day and make the minimum amount and yet pay taxes. They could also use the benefit of public housing. I think public housing should be transient housing to give equality and fairness to all the people of Hawaii. I want to let you know that they have a preference for homeless at any given day at a homeless shelter, Mr. Speaker, because I visited them, 60 to 90% of those people that we're fast tracking into public housing are not local residents. And we know who that class of people are, Mr. Speaker. This bill will provide equity to our citizens who have worked and lived and paid taxes in our beautiful State. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 149-10) recommending that H.B. No. 2628, 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. 2628, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 150-10) recommending that H.B. No. 2670, 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. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 151-10) recommending that H.B. No. 335, 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. 335, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, brief comments in support please. Thank you. Mr. Speaker, this will set up an automated victim notification system whereby the victim can give her telephone, or her email address, or her 'snail mail' address to the Department and then the victim will be notified when the felon has escaped, or is discharged, or is released on temporary leave. It's a safety matter Mr. Speaker, and I believe it's a very good bill and deserves to pass. 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. 335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representatives Takumi, Chang and Rhoads, for the Committee on Education, the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 152-10) recommending that H.B. No. 2076, 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, and the report of the Committees was adopted and H.B. No. 2076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 153-10) recommending that H.B. No. 2125, 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. 2125, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization, Business, & Military Affairs, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition. I have strong reservations on this bill concerning plastic bags in markets. I said 'with reservations' but I will be voting no. I also have reservations. But it's just that my grocery bill is sky high and there's only me and my husband. It's going up all the time and so I think this will increase cost to me and everybody who eats. I think we should go slow on this to perhaps consider it when the economy improves. Thank you."

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

"Mr. Speaker, I agree with the previous speaker. I vote with serious reservations because we should be putting Hawaii's families first. The cost of living is already high upon them. The first thing that families fight for is

money. The first thing that we know, we've got domestic violence that's reaching out. I know that this is not a direct correlation, but it's all these small little things that we 'nickel and dime' the people of Hawaii for, forgetting that the family and all the aloha that we want for them suddenly disappears by this piecemeal method.

"So, Mr. Speaker, this is very questionable. It's more money than the bottle bill, quite frankly. It's 10 cents for one bag. I think the constituency is going to blow back on this one. Thank you."

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

"I have strong reservations."

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

"Yes, Mr. Speaker, on Stand. Com. No. 153-10, I have strong reservations on the basis that it will increase the cost of doing business, and I think we can look for better ways to resolve this plastic problem rather than increasing the cost of doing business in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2125, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representative Marumoto voting no, and with Representatives M. Lee and McKelvey being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 154-10) recommending that H.B. No. 2990, 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. 2990, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 155-10) recommending that H.B. No. 2265, 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. 2265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 156-10) recommending that H.B. No. 2982, 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. 2982, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WARRANTS ISSUED BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 157-10) recommending that H.B. No. 1915, 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.

1915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ASSET BUILDING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 158-10) recommending that H.B. No. 2976, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2976, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERDEPARTMENTAL COUNCIL ON EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Education, with Representatives M. Lee and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 159-10) recommending that H.B. No. 2344, 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. 2344, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict. I'm a member of the Hawaii Army National Guard," and the Chair ruled, "no conflict."

Representative Takai continued in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'd like to speak against this measure. Thank you. Just briefly, Members, this proposes to eliminate the uniform maintenance allowance from the Hawaii National Guard. I only caution us as we move this forward because it just sends a really strong message of not supporting the Guard. You may know, or you may not know, that because of the budget crisis, the Adjutant General, General Lee, has made significant reductions and restrictions in some of the benefits that we have for many years provided members of the National Guard, including the State sponsored tuition assistance program, gone. And including this uniform maintenance allowance, gone.

"What I would recommend is we keep this on the books and when times get better we continue to support our Guard members in this way. So for those reasons, I don't support it and I recommend to Finance and my colleagues that we take a look at this as it moves on. Thank you."

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

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

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

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

"Mr. Speaker, I'm standing in support. In researching this issue on uniform maintenance allowance, there was a lot of discussion about how long it's been on the books. In the old days the uniforms were such that they had to get them dry cleaned and pressed, but nowadays they're 'wash and wear.' So what was a very good idea in some ways is not necessary anymore. 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. 2344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE

ALLOWANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Takai voting no, and with Representatives M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 160-10) recommending that H.B. No. 2503, 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. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and McKelvey being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 1853:

Representative B. Oshiro moved that H.B. No. 1853, pass Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker and Members of House, I wish to declare a potential conflict of interest. I'm a member of the Board of Directors of Maui Soda that produces Roselani ice cream. Mr. Speaker, I want to say I was going bring some over, but I don't know if I'm going to bring it now if we vote against this. Thank you, very much," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm voting in opposition. You know, it's kind of funny because if you talk to my kids they'll probably be very surprised as to why I'll be voting against this. In my home we have no soda. In my home we don't have any juice. In my home we rarely have any candy. And in my home, if we do have ice cream, we have Skinny Cow ice cream. They tell me about how we eat cardboard all the time, but now they like the cardboard.

"So you might ask, why would she be against this? I allow my kids to eat candy and potato chips, but I tell them, not at home. If you do you choose you're going to buy your own. We're going to buy it outside. We might have a hamburger outside, but when we're at home we should really try to eat healthy because that's the responsible way of caring for yourself and others within the house. So we try very hard.

"The problem I have with this and legislation like this is that it doesn't necessarily help the student or people make the right decisions. In fact, when we first started with my child and saying, 'No you cannot eat any candy,' he used to sneak candy and that's what kids do. They'll go right outside the gate to the *manapua* man.

"It also makes it very difficult for kids, or parents, or teachers for a birthday celebration, or you did well on your test. Or maybe the teacher may just want to say, here's a candy, a somewhat healthy kind of candy and I'm going to incentivize you with that. I probably wouldn't like that either, but it works for some kids.

"What we're saying here is, 'No. Absolutely not. Do not give the students the ability to learn about these choices.' That's one of the main reasons why when it comes to these kinds of laws, I have a difficult time.

"Let me even share another story really quick. When I was having trouble and the pounds on the scale were going up, and it goes up and down all the time. But I went to Weight Watchers and Weight Watchers didn't necessarily tell me, 'No. You cannot have soda. No. You cannot have all of those things.' What they do is they teach you how to make healthy choices and they tell you that if you're going to have this, then you can't necessarily have this. And when you eat one little thing of candy, it's equivalent to two huge servings of broccoli. What's going to sustain you better and give you nutrition?"

"So, Mr. Speaker, this kind of law, although very well intentioned, and I can agree with the premise and the motivation, I just can't see passing this kind of legislation. Thank you."

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

"Yes, Mr. Speaker, thank you very much. I wasn't too sure if I was going to accept the speech of the Minority Leader as my own. I don't think you can assume that much as we move along.

"First of all I oppose this measure. Mr. Speaker, it's not because I represent a business that produces the finest ice cream in the Nation. Sorry, I didn't mean to advertise. But to take away ice cream from a child, I can't see anything more unforgivable than that; to take ice cream from a child.

"I remember when I was in public school, I looked forward to that day when ice cream was served, and a child won't have that opportunity. Probably at home they don't serve ice cream, and in a lot of the homes, or for the homeless, or the unemployed. But anyway, the choice should be for the child.

"What is even more disturbing is we are again making policy for the Board of Education. This decision should be with the Board. My understanding is they contacted the Chairman to put the legislation through because they didn't want seem to be like the 'Scrooge,' so now we become the 'Scrooge.' We tell the children, 'You can't have ice cream.' The principle of policymaking should be by the Board. We gave them that policymaking power some years ago.

"To deny a child something should not be our role. It should be the role of the Board of Education, and I believe they can do that either through rules or through the policymaking powers that they already have. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you. First I spoke to my constituent here watching me today, and he thinks that I'm crazy if I'm going to support this measure.

"Seriously, Mr. Speaker. Before I begin, I just want to mention that I do not like ice cream and I do not eat candy, I look this way for other reasons. And that is the truth, Mr. Speaker. But let me just explain my concern. If you take a look at the intent of the federal law in Section 1, it talks about the school day. This federal law requires certain practices and policies for schools across the country during the school day. And I brought up during the Education hearing that my concern is really with after-school activities, namely athletic events. Can you imagine, Mr. Speaker, a football game at the Bino Neves Stadium in Pearl City, where they will be because of this law, restricted from selling certain things?"

"I think we need to take a look at this law very carefully because nowhere in Section 304A-1146 does it say that this restriction is just during the school day. In fact it says it shall be lawful for any public school. And as we know, smoking on school campuses, the prohibition on smoking on school campuses is not just during the school day. It's for all activities related to schools, whether it's a political fundraiser or a community event or an athletic event coming on to the school grounds. It is illegal. I look at this and I do not see any exceptions to these types of

sales after school hours. That is the reason why I am very concerned about this measure. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I think some of my colleagues are misreading the bill. This bill does not ban the sale of ice cream or candy in the State Capitol so I wouldn't worry about that. So you can still partake in that. And as I look around at some of the Members, I can see they take full advantage of that fact. But I digress, Mr. Speaker.

"I wish my good friend, the Representative that neighbors me in the following district, actually read the bill. Section 302A-1146, it shall be unlawful for any public school without the written permission of the Department to operate stores or to sell merchandise, and so on, and so forth.

"In other words, Mr. Speaker, the Department grants exceptions to sell these items at athletic events, as they do. They sell soft drinks at athletic events even though it is the Board's policy that soft drinks are not sold in vending machines in school, they have granted an exception to certain events that are either held at school campuses or outside of that.

"Secondly and more importantly, should this bill pass, the Department shall adopt rules subjected to Chapter 91. In other words, if this bill should pass and get signed into law or become law, the Department will have to go and promulgate rules and at that time, as we all know with Chapter 91, they'll have public input and so on and so forth. I can assure you when people are told that this will impact fundraising and athletic events and all the rest of it, they will certainly take that into account.

"But in all seriousness, Mr. Speaker, I think we all realize that juvenile diabetes or prediabetic children in our country is not just a minor problem. It is an epidemic that is going to have a huge health and fiscal impact in our Nation in the years to come. That is why the United State Department of Agriculture has promulgated a Public Law that basically says that schools should not sell foods or serve foods with minimum nutritional value. Now I guess we can argue whether or not candy and ice cream and those items have nutritional value, but that is the Public Law as the Feds have cited.

"So again, in all seriousness, vote your conscious on this one. I didn't realize this was going to be such a controversial bill, but again, the Department will have to promulgate rules to determine if, when and where these items can be sold. Thank you."

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

"Mr. Speaker, I am standing in opposition. I do eat ice cream and candy, and I enjoy it very much. But that's not why I'm standing in opposition. Mr. Speaker, I think in regards to looking at this issue, I go back to what the good Chairman of Transportation, the Representative from Maui stated. This should be done at the Board level. I think it should be done opposite. That if individual schools want their school or their programs to have no ice cream or candy, that the request should be on their part requesting the Department to allow them to ban it or not serve it on their campuses, rather than us making this policy call. Eliminating that option and then having the Department with the discretion to decide if a school, or schools, or district is allowed to have it per event or activity. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, this bill is micromanaging. It's dithering with education policy and it deserves to be postponed indefinitely until we get our kids back in school."

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

"In strong support. Once again, as the Chair of Education has talked about, all we're doing is we're giving this option to the Board and to the

schools to decide what they want to do as far as making these things available.

"Kids at this age do need to have healthy choices put before them, and the Department of Education has come up with 'Eat a Rainbow' that actually looks at providing fresh fruits and vegetables. If we start providing that, if we start giving them those choices that they can choose from, they will. They will choose healthy foods. They will find the great taste that comes from fresh fruits and fresh vegetables.

"Yes, yes, I know it seems unusual, and maybe something just couldn't happen. But it will if we start making those changes now. If we start making those choices available now to the kids, and what we're proposing with this particular measure is just that we make those choices as one of the things that they need to look at. We need to start sometime and this is a good start. Let's begin by getting to a healthier lifestyle and it is going to be the kids that are going to be the ones that learn, and they're going learn because we give them the choices that really are healthier. Thank you."

The Chair then stated:

"Members, may we proceed on since we have had a lot of discussion on this measure? For those who have submitted your green slips, that's fine. For those who want to speak with reservations or to cast your vote with reservations, you may do so now. I believe the Finance Committee has a hearing at 1:30 so we're already 10 minutes behind schedule. At this time the Chair will allow Members to submit written comments for or against, since this is Third Reading."

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

Representative Cabanilla's written remarks are as follows:

"I agree with the politics of the Chair of Health, Mr. Speaker. These types of decisions should be done by the DOE and not the Legislature.

"Furthermore, the removal of candy and/or ice cream in schools robs one of the pleasures of being a child. Anything in excess is the problem – not the candy or ice cream."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of H.B. 1853 – which prohibits the sale of ice cream and candy by public schools in conformance to the State of Hawaii wellness guidelines.

"It is time that we guide our children towards making better choices. With illnesses such as diabetes directly resulting from sugar intake, we need to discourage students from consuming these products that could later harm them.

"While I support the Department of Education's wellness standards which are designed to "meet USDA authoritative guidelines for healthy food choices and nutrition education" and vote for this measure to encourage healthy food choices, I sincerely hope the DOE and rule making authorities will maintain flexibility in regards to unusual circumstances and afterschool activities. Thank you."

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

Representative Belatti's written remarks are as follows:

"I rise in opposition to House Bill 1853, which disallows the sale of ice cream and candy by public schools. While I understand and appreciate the health motivations behind this measure, it is discouraging to me that this Body, at this time, is tackling this as the first education issue while our public school students are missing vital school days because of the

furlough policy adopted by the Board of Education, the Governor, and the Hawaii State Teachers Association. Moreover, the Board of Education, the Department of Education, and individual schools, through their own rules and decision-making processes, could limit the harmful effects of the pervasiveness of ice cream and candy on school campuses by the purchasing decisions made without the micromanaging interference of the Legislature on this matter."

The motion was put to vote by the Chair and carried, and H.B. No. 1853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS," passed Third Reading by a vote of 33 ayes to 15 noes, with Representatives Belatti, Cabanilla, Carroll, Chang, Finnegan, Keith-Agaran, Manahan, Nakashima, Pine, Sagum, Souki, Takai, Tokioka, Ward and Yamane voting no, and with Representatives M. Lee, McKelvey and M. Oshiro being excused.

H.B. No. 1900:

Representative B. Oshiro moved that H.B. No. 1900, pass Third Reading, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. Being a veteran of Operation Iraqi Freedom and a Major serving in the Hawaii Army National Guard, I wish to offer comments in support of House Bill 1900.

"The purpose of this measure is to recognize the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classifications for military personnel. This measure further proposes to use official designations and classifications established by the US government to enable processing of POW and MIA personnel in a timely manner.

"The reality of war is that we need to address these difficult situations. I feel that it is important that the State of Hawaii recognizes these designations as valid descriptions of casualty status and classification. Doing so will give these war heroes and those they have left behind the recognition they all deserve. This will also give us as a grateful people the opportunity to honor the men and women who have sacrificed so that we may continue to freely live.

"For these reasons, I support this measure and urge my colleagues to do the same. Thank you."

At 1:37 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:38 o'clock p.m.

The motion was put to vote by the Chair and carried, and H.B. No. 1900, entitled: "A BILL FOR AN ACT RELATING TO MILITARY PERSONNEL," passed Third Reading by a vote of 48 ayes, with Representatives M. Lee, McKelvey and M. Oshiro being excused.

At 1:39 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1853
H.B. No. 1900

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 25) and concurrent resolution (H.C.R. No. 65) were referred to Printing and further action was deferred:

H.R. No. 25, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was jointly offered by Representatives Mizuno, Brower, Chang, Har, Herkes, Manahan, Shimabukuro, Tsuji and Yamane.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was jointly offered by Representatives Mizuno, Brower, Chang, Har, Herkes, Manahan, Shimabukuro, Tsuji and Yamane.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, as we know APEC is coming to town in November of 2011 with 21 countries and 63 ministers. One of those countries coming is New Zealand, which February 6th, tomorrow, is its independence day. Since February 6, 1840, they have had freedom from Britain, and 500 Maori chiefs signed that treaty. Additionally we should know that New Zealand had the first women's suffrage in the west in 1893, Mr. Speaker. Thank you."

ADJOURNMENT

At 1:40 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, February 8, 2010. (Representatives Chang, M. Lee, Manahan, McKelvey, M. Oshiro, Sagum, Tsuji and Wooley were excused.)