

**FOURTEENTH DAY**

**Tuesday, February 9, 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 Vice Speaker Magaoy presiding.

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all Members present with the exception of Representatives Karamatsu, M. Oshiro and Tokioka, who were excused.

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

**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 12 and 13) were received and announced by the Clerk:

Sen. Com. No. 12, transmitting S.B. No. 2286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," which passed Third Reading in the Senate on February 8, 2010.

Sen. Com. No. 13, transmitting S.B. No. 2449, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on February 8, 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 Karamatsu and M. Oshiro were excused.)

- S.B. No. 2286, SD 1
- S.B. No. 2449

**DEPARTMENTAL COMMUNICATIONS**

The following departmental communication (Dept. Com. No. 57) was received by the Clerk and was placed on file:

Dept. Com. No. 57, dated February 8, 2010, from Scott T. Nago, Interim Chief Election Officer, Office of Elections, transmitting the Report to the Legislature in accordance with Sections 52 through 56 of Act 162, Session Laws of Hawaii 2009.

At 12:09 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 12:28 o'clock p.m.

**ORDER OF THE DAY**

**COMMITTEE ASSIGNMENTS**

The following measures were referred to committee by the Speaker:

**H.R.**  
**Nos.**

**Referred to:**

- 25 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
- 26 Committee on Energy & Environmental Protection

- 27 Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
- 28 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce
- 29 Committee on Economic Revitalization, Business, & Military Affairs
- 30 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Tourism, Culture, & International Affairs
- 31 Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
- 32 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 33 Committee on Tourism, Culture, & International Affairs
- 34 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Tourism, Culture, & International Affairs
- 35 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 36 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
- 37 Committee on Health

**H.C.R.**  
**Nos.**

**Referred to:**

- 65 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Tourism, Culture, & International Affairs, then to the Committee on Finance
- 66 Committee on Energy & Environmental Protection
- 67 Committee on Energy & Environmental Protection
- 68 Committee on Health, then to the Committee on Tourism, Culture, & International Affairs
- 69 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce
- 70 Committee on Economic Revitalization, Business, & Military Affairs
- 71 Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Tourism, Culture, & International Affairs
- 72 Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
- 73 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 74 Committee on Education, then to the Committee on Finance
- 75 Committee on Tourism, Culture, & International Affairs

- 76 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Tourism, Culture, & International Affairs
- 77 Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 78 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
- 79 Committee on Health, then to the Committee on Legislative Management
- 80 Committee on Health

**S.B.**  
**Nos.**      **Referred to:**

- 2177, Jointly to the Committee on Public Safety and the Committee on Labor & Public Employment  
SD1
- 2178, Committee on Labor & Public Employment  
SD1
- 2201, Committee on Transportation, then to the Committee on  
SD1 Finance

#### COMMITTEE REASSIGNMENTS

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

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

- 2950 Committee on Consumer Protection & Commerce

#### STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 199-10) recommending that H.B. No. 2693, 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. 2693, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative M. Lee 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 M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2693.

"I support this measure which prohibits the transport of a child under 8 years of age or 4'9" in a motor vehicle without the person operating the motor vehicle ensuring that the child is properly restrained in a child passenger restraint system.

"The bill currently holds the person operating the motor vehicle responsible for upholding child safety laws in their vehicle. Although I believe children would benefit from the sharing of responsibility regarding child seat restraints, primary responsibility should be placed on the driver.

"Numerous programs, private and federally funded, teach children in preschool about seat belt safety. These programs enforce positive passenger behaviors and allow children to participate in their safety.

Inclusion of a shared responsibility clause would encourage educators and parents to enforce safe passenger behavior for Hawaii's children."

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

"Thank you, Mr. Speaker. I rise in favor of this measure. I've been around a long time, and I was around when we first enacted a requirement for *keiki* car seats for children and have seen its evolution since. I was also around when the \$25 tax credit for the purchase of a *keiki* car seat was enacted. I will support this measure although it offers exemption to current law. I think the exemptions are fairly reasonable, but I would oppose any collapsing of the \$25 tax credit should that ever come up before us. 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. 2693, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 200-10) recommending that H.B. No. 2602, 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. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 201-10) recommending that H.B. No. 2370, 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. 2370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 202-10) recommending that H.B. No. 247, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 203-10) recommending that H.B. No. 1888, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 247, and H.B. No. 1888, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I comment on both Stand. Com. Nos. 202 and 203? They're both dealing with the same issue. I'm in support. House Bill 247, which deals with the Interagency Task Force was a bill that was introduced last year in order to formalize the existing Interagency Task Force which really does nothing. We would really like to see it become effective. Right now it is unwieldy. There's probably 50 members. Their meetings are never posted. We were able to get reports of the two meetings that they have had; one was in 2008, and one in 2009. One of the reports had four pages missing, and there was one line in the other one that said there's no medical problem due to vog.

"So at least if we could formalize it through HB 247, maybe we could actually get something done. But I would also say that there is a version of

this that we passed out that is currently sitting in the Ways and Means Committee in the Senate.

"Now if we could get Stand. Com. No. 203, House Bill 1888, which is a lot more important. As I said many times over, many times over, Mr. Speaker, Hawaii is the only state in the nation with every known natural disaster. And the Representative from the 4th District and I have them all. We also may be the least prepared of any state in the nation.

"Over the last few years we have nibbled at the edges by doing such things as tax credits for hurricane clips even in areas where the probability of a hurricane is remote. And there are other bills this year that again, nibble at the edges. But there's nothing that brings everything to the table to prepare for a natural disaster.

"Seven years ago, the Chair of the Water and Land Committee and I invited three UH professors with expertise in geophysics to discuss natural disaster preparedness. We met together with representatives from the insurance, financial, and real estate industries, and we also invited Civil Defense.

"The professors convinced us that Hawaii has to map all natural disasters with some degree of probability and intensity. Technically this can be done. We have some maps now. We have lava and tsunami, but they have limited use.

"Everyone should know what natural disaster might impact where he or she lives. You should know that.

"These maps should then be used for land use planning. We have a statewide building code with no regard to disaster impact zones. The building code for homes near Volcano where we have earthquakes is the same as we have on Kauai where they have hurricanes. It makes no sense. We have to know these things. The building code has to be adapted to whatever natural disaster might impact a building.

"Can anyone in this room tell me where the nearest shelter is near their home where they would send their family? And what natural disaster it is designed to protect? I doubt that anyone can tell us that.

"I remember in Volcano, when the community asked Civil Defense, they told us to go into Thurston Lava Tube. Boy, that really made a lot of sense.

"We have not learned from New Orleans and Houston. In those two cities, glass from high-rise buildings flew all over the streets with those hurricanes. I guess we're just going to wait until it happens here rather than take any initiative and try to harden those windows.

"The problem is the Civil Defense mindset is to be prepared to respond to an event. This bill says be prepared for the event, before it happens. And Mr. Speaker, there is a huge difference. How to fund it? That's part of Civil Defense's job.

"Mr. Speaker, for seven years we've sent bills dealing with disaster preparedness to prepare this State and its people from natural disasters to the Senate, never ever to be heard from again. Thank you."

Representative Pine rose to speak in support of both measures with reservations, stating:

"I'm in support with some reservations on both of those measures. I do support the concept and I believe the previous speaker had some very good points. He knows better than all of us what it's like to go through a natural disaster. However, as we are discussing this issue, let's try to keep in mind, let's do our best to not have any duplication of things that are currently going on. Instead of revamping an entire system, let's just focus on perfecting it. And as we talk about budgets, let's make sure that we have a goal that can be achieved with the budgetary limitations that we provide the Department of Defense."

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

"Thank you. My reservations are based on the duplication argument for both Stand. Com. Nos. 202 and 203."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 247, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance; and

H.B. No. 1888, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 204-10) recommending that H.B. No. 2644, 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. 2644, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 205-10) recommending that H.B. No. 1808, HD 1, as amended in HD 2, 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. 1808, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 206-10) recommending that H.B. No. 2624, 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. 2624, 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 Har rose to speak in support of the measure with reservations, stating:

"Please note my reservations, Mr. Speaker. And should this bill make it out of the Joint Committees on CPC and Judiciary, I will reserve my comments for that time. Thank you."

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. 2624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 207-10) recommending that S.B. No. 910, SD 1, HD 1, as amended in HD 2, 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 S.B. No. 910, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 208-10) recommending that H.B. No. 2284, 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. 2284, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, may I have a ruling on a potential conflict? I'm an officer of a company that subleases from a leasee, and not the leasor, in Mapunapuna," and the Chair ruled, "no conflict."

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

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

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

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

"May I get a ruling on a potential conflict please? My law firm represents the leasor of this area in Mapunapuna," and the Chair ruled, "no conflict."

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

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

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

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

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

"Mr. Speaker, with strong reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2284, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Saiki and Takai voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 209-10) recommending that H.B. No. 2131, 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. 2131, 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 Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with strong reservations on Stand. Com. Report 209. This bill mandates that small business gasoline dealers have to provide potable water. Mr. Speaker, this is an anti-small business bill. This is 'Big Brother' stepping in and saying, 'You will provide water.' This is

something the private sector, or something that the competition should be able to determine. Not the State coming in and saying, 'You will provide water.'

"There's a comparable position of this bill where we are having to tell the schools, 'Don't have ice cream and don't have candy.' Those things should be handled at different levels. They don't need to be dictated by government. This is something that will keep small business running. And those who provide best for their customers will provide this, but not having to mandate it by us. It'll save us from being the 'water policeman,' which if this passed, we would eventually become.

"So this is not a good policy. It's not good precedent. Government has already got itself in to too many things already. We can't even enforce what we've got on the books, and to enforce having to provide water for gasoline stations, why not air, Mr. Speaker? Somebody might say also. So where does it end? I think we should end it now with the end of this bill. Thank you."

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

"Yes, Mr. Speaker. May I have a ruling on a potential conflict? I'm a part owner of a gas station," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. For different reasons, I'm also registering reservations on this."

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

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

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

"I am in support and I'll submit written comments. But you know, this is really a safety issue, as well as air is. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2131.

"I recognize that water is essential to safe operation of vehicles on Hawaii's roads. Currently many retail gasoline stations in the State charge their customers for access to water. Charging for water endangers motorists and the public. I commend this act for restoring access which is vital for motorists. However, my reservation stems from the precursor surrounding the exchange of water for fuel.

"As written the bill requires gasoline dealers to provide free water in exchange for the purchase of fuel. I believe setting a purchase requirement will not assist those motorists who find themselves in emergency situations dependent on water. Therefore, I recommend we further examine the implications surrounding the exchange of fuel for water access."

Representative Ching 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."

Representative Thielen 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. 2131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 210-10) recommending that H.B. No. 1944, 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. 1944, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 211-10) recommending that H.B. No. 2289, 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. 2289, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in opposition to Stand. Com. Report 211. Thank you. I just want the Members to take note of page 3. I think a few years ago when we passed this law we did not allow for an activation fee for these gift cards or gift certificates. There are some shopping malls and stores around town that when you purchase these \$20 gift cards, they charge a percentage, sometimes as much as 10%. That's \$2 for every 20 bucks and to me that's outrageous.

"This bill I believe, if I'm not mistaken, will allow for the activation or issuance fees charged. The lesser of 15% or \$7.50. I don't think people in Hawaii should be charged an activation fee or issuance fee, and I strongly urge the next Committee, CPC, to take a look at this particular provision.

"In addition, Mr. Speaker, on page 3, section 2 at the very bottom, we extend the expiration date of gift certificates or gift cards, but we don't do it for a paper form certificates. I realize that the federal law now pushes a gift certificate to five years and is silent on the paper form, but I think we should take the lead. If it's good enough to extend the expiration date no shorter than five years for a gift card, I don't see why we should not allow that or require that for those gift certificates in paper form. Thank you, Mr. Speaker."

Representative Ching 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."

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. 2289, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Takai voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 212-10) recommending that H.B. No. 1921, 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. 1921, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just want to note my reservations on Stand. Com. Report 212. Basically what this is, is it establishes the controlling interest transfer tax of 1.11% to be administrated by the Director of Taxation.

"This basically adds a new tax that has been, I guess, slipping through the cracks, and we're trying to find a way to retrieve this tax when there's transfer of lands. I was not in this Committee, but I just want to note my reservations. If it's a new tax, I'm concerned at how this will affect some of the affordable housing that we're trying to plan in my community."

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

"I rise in support of Stand. Com. No. 212. I would just like to make a little correction. This is not a new tax. This Controlling Interest Transfer Tax just closes an existing loophole when people put property in an entity, and then transfer the entity instead of the property. So it's not a new tax. It just closes a loophole. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1921, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX," passed Second Reading and was referred to the Committee on Finance.

Representatives Karamatsu and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 213-10) recommending that H.B. No. 2251, 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 Committees be adopted, and that H.B. No. 2251, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

At 12:42 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

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

"Thank you, Mr. Speaker. I rise in opposition. This bill would create a Commission. It would also, as amended, allow our residents to vote. I know that the original bill was for our visitors, but I'm just going to share some of the testimony if you don't mind. I'll try to keep it under the time limit.

"But from the Hawaii League of Women Voters, Grace Furukawa: The University of Illinois came to Hawaii last year and said that for every dollar earned from gambling, \$3 is spent by the state to mitigate problems caused by gambling.

"The Chief of Police here understands the cost increase: the police presence necessary, the cost of investigating, prosecuting. Corruption is another reason for opposing this bill according to Prosecuting Attorney Peter Carlisle. Visitors come to Hawaii with a finite amount of money, which if spent at gambling tables will not be spent in gift shops, restaurants, or other local businesses. So the immediate effect will be felt by small businesses. We cannot afford to do this to our local businesses who are already struggling to stay alive and keep their employees.

"Secondly, *kama'aina* attorney, Mr. Thomas Case says, 'Visitors come to enjoy the balmy weather, lush vegetation, waterfalls, white sandy beaches, ocean, outdoor activities, swimming, scuba diving, sailing, fishing, golf, etc., Hawaiian music and dance, the aloha spirit of the islands. They do not come to Hawaii to spend their time shut up indoors in a casino.'

"The Policy Forum. Casino gambling causes crimes. Evidence is converging to show casino gambling causes significant increases in crime. Taken altogether, casinos impose crime and other costs paid for by society, including those who do not gamble, that exceed their benefits.

"It goes on. 62%, according to the Policy Forum, committed illegal acts as a result of gambling. 80% had committed civil offenses. A similar survey of 400 members show that 50% admitted stealing to finance their gambling, and on the average there are 135,000 total theft. They have continued, two-thirds of compulsive gamblers engage in criminal activity including violent crime because of their gambling problem, and 12 million compulsive gamblers in the US, the average compulsive gamblers is \$80,000 in debt. I won't go into the child abuse, the family abuse, all the abuse that comes when people are under stress from not being able to pay their gambling debt.

"Worst of all, there's a strong association between pathological gambling and substance abuse. Meth Not Even Once, the Hawaii Meth Project, financed by Charles Schwab, says that Hawaii ranks, I know it was almost number one, but thanks to efforts perhaps by the US Attorney, Hawaii ranks number five in the Nation for meth. I'll repeat that, Hawaii ranks number five in the Nation for meth use for ages 12 and older. And 7.3 of all 10th grade students have used meth, according to the risk behavior survey. That's up 87% from 2005. The estimated cost of meth abuse in Hawaii is \$500 million annually. 30% of Hawaii teens believe there's no risk in trying. They're going to be at Farrington. They're going to be giving a presentation at Farrington High School so I encourage our Members to attend it. How do you begin to take action on our nation's crystal meth? I have more reports. I have the Auditor of the State of Hawaii.

"In summary, Mr. Speaker, now is not the time. When we say we are going to entertain, why would we entertain? In some countries, when they can't pay their bills, they sell their daughters into prostitution. It's not an option. It's not an option. I want to say I would ever entertain that kind of option. I take it very seriously. The gentleman who was accused of throwing Cyrus Belt off the freeway comes from approximately a mile from here. Not in my district, but near to my district, and I take it very seriously, sir. Thank you."

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

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

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

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

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

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

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

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

"Thank you. May I have a no vote with the words of the Representative for Liliha, minus the stuff about Cyrus Belt and prostitution elsewhere," and the Chair "so ordered." (By reference only.)

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

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

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

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

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

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

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

Representative Luke rose and asked that the Clerk record a no vote 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 Brower rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

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

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

Representative M. Lee rose and asked that the Clerk record an aye vote with reservations for her, 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 Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," passed Second Reading and was referred to the Committee on Finance, with Representatives Aquino, Belatti, Berg, Ching, Choy, Finnegan, C. Lee, Luke, Manahan, Marumoto, Morita, Rhoads, Saiki, Takai, Takumi, Thielen, Ward and Yamane voting no.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 214-10) recommending that H.B. No. 2277, 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. 2277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 215-10) recommending that H.B. No. 2417, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 216-10) recommending that H.B. No. 2445, 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. 2445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 217-10) recommending that H.B. No. 2817, 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. 2817, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Takai 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. 2817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ART," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 218-10) recommending that H.B. No. 2827, 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. 2827, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I would like to request a ruling on a potential conflict. I'm a Certified Public Accountant. I also perform the majority of peer reviews for CPA firms in the State of Hawaii and I've been doing so for the past 20 years," and the Chair ruled, "no conflict."

Representative Choy continued in support of the measure with reservations, stating:

"I would also like to rise with strong reservations on this particular measure. This bill totally ignores the concerns of local practitioners, I being one of them. Approximately 40 other states have passed this type of legislation by addressing many of the concerns of the local practitioners.

"Some of these concerns are, first, if local practitioners have to go to some kind of quality review process, then all firms, local, international, and out-of-state firms should also go through the same regulatory process. This bill, as written, gives the Board of Accountancy the power to exempt firms from this process. The large international firms want to exempt themselves from these reviews. They claim that their system of internal inspections are so superior that they should be exempt from this process, but we should not forget that Arthur Andersen, the largest of the international firms, who had gone through their superior internal inspection process and peer review process, no longer exists because of substandard work.

"Second, there's only currently one peer review program available to firms which is administered by the American Institute of Certified Public Accounts and the Hawaii Society of CPAs. Firms who are not members will be required to join these organizations and pay these organization's fees. I believe we should not force a firm to join certain trade organizations.

"Third, there is no peer review program in the United States that is designed to be regulatory and punitive. The AICPA Accountants Peer Review Program was made to be educational, remedial and confidential. Not regulatory and punitive. And because this peer review program was made to be educational, there are no due process procedures in place. What are the consequences for failing peer review? Will my license be revoked? What are the appeal procedures? We should delegate regulatory procedures, which could result in a loss of licensure to a private entity.

"Fourth, I have reviewed the 200 or so testimonies in support of this measure and I only counted 17 local firms that I could recognize. There are approximately 250 firms in the State of Hawaii. The majority of the testimony comes from these 17 firms and the students from the University of Hawaii. I do not believe that there's broad base support among local practitioners for this particular measure.

"And finally, Mr. Speaker, there's a right way of instituting peer review in the State of Hawaii. This measure is not it. Thank you, Mr. Speaker."

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

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

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

Representative Tsuji rose and asked that the Clerk record an aye vote with reservations for him, 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 McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I rise with reservations and may I have the words of the speaker from Manoa entered in the record as if they were my own, even though I'm not a CPA," and the Chair "so ordered." (By reference only.)

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

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

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

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

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

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

"I would agree. In great deference to my colleague from Manoa, please note my reservations as well. Thank you."

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

Representative Awana 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. 2827, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 219-10) recommending that H.B. No. 2155, 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. 2155, entitled: "A BILL FOR AN ACT RELATING TO CASE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 220-10) recommending that H.B. No. 2157, 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. 2157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 221-10) recommending that H.B. No. 2774, 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. 2774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 222-10) recommending that H.B. No. 2468, 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. 2468, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 223-10) recommending that H.B. No. 2068, 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. 2068, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"I would like to speak with reservations and insert written comments. And my reservations are that we really need a statewide ban on fireworks. I think that's the right thing to do. It's a real safety issue. Not only personal safety, but public safety. This probably will not result in safety for the majority of citizens in our State so I would like to see a statewide ban and I would insert my written comments. Thank you, Mr. Speaker."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, in support with reservations of HB2068.

"I recognize that some feel this bill will allow counties to better address their concerns and be supportive of homerule, however, a statewide ban

would better address statewide concerns surrounding the usage and health implications associated with fireworks. In addition, it would not encourage the illegal air transport of fireworks from island to island.

"Hawaii's residents have made it clear that they desire a total ban or stricter enforcement of fireworks laws in order to uphold safety standards and quality of life. Advocates point to the numerous injuries and accidental fires that are attributed to fireworks as justification for banning or at least severely restricting access to fireworks. Complaints about excessive noise created by fireworks and the large amounts of debris and particulate matter produced are also cited by those supporting this position. Many argue that consumer fireworks are being used in a manner that is disrespectful to the communities and neighborhoods where the users live. In addition, fireworks produce smoke and dust that may contain residues of heavy metals, sulfur-coal compounds and some low concentration toxic chemicals. A report filed by the DOH this year shows an increase in emergency room visits and increased injury to persons.

"Allowing counties to make their own fireworks laws will put a further strain on the fire and police departments throughout our State. We risk encouraging illegal fireworks as was the case in the early '90s when the counties had individual ordinances and trafficking could not be controlled. Therefore, although I am happy to see a weaker bill go forward, a statewide ban is really the answer to our problem.

"It is sad to see the conspicuous absence of those who should be supporting the ban. Where are the Health Department; OEQC; Humane Society; the Hawaii Medical Association; public health advocates and health care workers? We will ban the statewide use of fireworks one day. Will this be the year? "

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

"I rise to speak in favor of the bill on fireworks with reservations. Similar to the Representative from Mililani, I believe that we do need a statewide ban on fireworks. The reason why we need statewide law controlling this is because once upon a time, counties did indeed control the laws on fireworks. The Big Island allowed aeriels and Oahu did not. The airlines experienced people trying to carry fireworks from the Big Island to Oahu, which is very dangerous. It's very hazardous. So I believe that we need a strong statewide law.

"The last New Year's was like a war zone and we had many concussion bombs going off in residential neighborhoods. Also aeriels, which really threaten our safety. So I hope that we will see a ban coming through shortly. Thank you."

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

"I rise to speak with reservations on this one for the same reasons that were alluded to by the previous two speakers. This approach, to have counties decide, while I think is laudable and deserves further consideration, I think it has the unintended consequence of actually threatening the health and safety of our citizens even more so as this provides a real incentive for people to smuggle, either by air or by boat, to those counties that do not allow fireworks. So I do believe a statewide ban would be far more appropriate. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. In talking to law enforcement officers and others in the communities, the biggest problems are aeriels and other fireworks which are currently illegal. That's not being enforced. They're going off everywhere. So to have a statewide ban, I don't think it's going to make any kind of difference. To give it to the counties, let them and their communities decide whether or not it's appropriate, is a good thing. I mean after all, we have a statewide ban on gaming, yet \$300 million was won through the Super Bowl, so look at that. Thank you."



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

"Mr. Speaker, on Stand. Com. No. 223, I am with reservations for the same reason as the Representative from Kaimuki-Kahala."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2068, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 224-10) recommending that H.B. No. 2271, 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. 2271, 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:

"Mr. Speaker, I'm rising in support of Stand. Com. No. 224, which is the bill related to dry ice bombs. People may have heard these going off on Super Bowl Day. I'm sure you did on New Year's Eve. The problem with this is that people are packing dry ice into plastic cylinders. They don't have any idea of when that's going to actually explode, and when it does, it can release shrapnel that can injure anyone standing around. Without notice it can release that shrapnel and children can be injured, adults can be injured.

"I have spoken with a retired marine who said that the explosions on the Windward side were as loud, or louder than many of those he heard in actual combat. I know for a fact that those of us on the Windward side, our houses were shaking. So unless we outlaw dry ice bombs, we're putting children and adults at risk from exploding shrapnel. And unless we impose a statewide ban, we're putting everyone at risk. 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. 2271, entitled: "A BILL FOR AN ACT RELATING TO EXPLOSIVES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 225-10) recommending that H.B. No. 2688, 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. 2688, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 226-10) recommending that H.B. No. 2170, 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. 2170, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 227-10) recommending that H.B. No. 2576, 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. 2576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 228-10) recommending that H.B. No. 2096, 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. 2096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 229-10) recommending that H.B. No. 2208, 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. 2208, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 230-10) recommending that H.B. No. 2350, 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. 2350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 231-10) recommending that H.B. No. 2464, 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. 2464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRACTICE OF PHARMACY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

At 1:03 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 1:04 o'clock p.m.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 232-10) recommending that H.B. No. 1979, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representative Ito being excused.

Representative Manahan, for the Committee on Tourism, Culture, & International Affairs presented a report (Stand. Com. Rep. No. 233-10) recommending that H.B. No. 1980, as amended in HD 1, be recommitted to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was recommitted to the Committee on Tourism, Culture, & International Affairs, with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 234-10) recommending that H.B. No. 165, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 165, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 235-10) recommending that H.B. No. 2360, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2360, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito 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. 236-10) recommending that H.B. No. 2618, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 237-10) recommending that H.B. No. 1862, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1862, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Once again, I'm voting no on this bill. Mr. Speaker, until the City and County puts in adequate restrooms in the Chinatown area, I don't think we should criminalize this activity. The City had time to do it. We're now removing the sunset clause and this will be on the books, but the City has not stepped forward with the public restrooms."

The motion was put to vote by the Chair and carried, and report of the Committee was adopted and H.B. No. 1862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no, and with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 238-10) recommending that H.B. No. 2397, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 239-10) recommending that H.B. No. 1863, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 240-10) recommending that H.B. No. 2077, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ito being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 241-10) recommending that H.B. No. 1190, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 241-10 on H.B. No. 1190, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1190, HD 1, were made available to the Members of the House.

### THIRD READING

#### H.B. No. 2568:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2568, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," was recommitted to the Committee on Housing, with Representative Ito being excused.

### SUSPENSION OF RULES

Representative Evans moved to suspend the rules of the House for the purpose of considering a certain House Bill for Third Reading by consent calendar, seconded by Representative Pine.

At 1:07 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m.

At 1:08 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:08 o'clock p.m.

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Ito was excused.)

### THIRD READING

#### H.B. No. 2633:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2633, entitled: "A BILL FOR AN ACT

RELATING TO REAL ESTATE LICENSEES," passed Third Reading by a vote of 50 ayes, with Representative Ito being excused.

At 1:09 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2633

**H.B. No. 2249:**

By unanimous consent, action was deferred one legislative day.

**INTRODUCTION OF RESOLUTIONS**

By unanimous consent, the following resolutions (H.R. Nos. 32 through 37) and concurrent resolutions (H.C.R. Nos. 73 through 80) were referred to Printing and further action was deferred:

H.R. No. 32, entitled: "HOUSE RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONDUCT A STUDY RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," was jointly offered by Representatives Hanohano, Chang, Coffman, Evans, Herkes, Karamatsu, Nakashima, M. Oshiro and Tsuji.

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was offered by Representative Mizuno.

H.R. No. 34, entitled: "HOUSE RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was jointly offered by Representatives Mizuno, Bertram, Brower, Manahan and Yamane.

H.R. No. 35, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE PROPOSALS TO CREATE A FEDERAL INSURANCE OFFICE," was jointly offered by Representatives Herkes and Mizuno.

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING FEDERAL RECOGNITION OF RESPIRATORY THERAPISTS," was offered by Representative Herkes.

H.R. No. 37, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Bertram, Brower, Manahan, McKelvey and Mizuno.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONDUCT A STUDY RELATING TO THE HAWAII PROPERTY INSURANCE ASSOCIATION," was jointly offered by Representatives Hanohano, Chang, Coffman, Evans, Herkes, Nakashima, Karamatsu, M. Oshiro and Tsuji.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO OFFER ONLINE INSTRUCTION TO MIDDLE AND HIGH SCHOOL STUDENTS IN THE PUBLIC SCHOOL SYSTEM," was offered by Representative Nishimoto, by request.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was offered by Representative Mizuno.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was jointly offered by Representatives Mizuno, Bertram, Brower, Manahan and Yamane.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE PROPOSALS TO CREATE A FEDERAL INSURANCE OFFICE," was jointly offered by Representatives Herkes and Mizuno.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FEDERAL RECOGNITION OF RESPIRATORY THERAPISTS," was offered by Representative Herkes.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE EFFECTS OF REGULATING RESPIRATORY CARE PRACTITIONERS," was offered by Representative Herkes.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH 11, 2010, AS WORLD KIDNEY DAY AND APRIL 2010 AS ORGAN DONOR AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Yamane, Bertram, Brower, Manahan, McKelvey and Mizuno.

**ANNOUNCEMENTS**

Representative Ward: "Mr. Speaker, I'd like to announce that Dave's Snack Shop is now Dave's Hot Lunch Shop and as a small business he is trying this as an experiment. So I would encourage all of us who are hungry, and staff, to participate at Dave's Hot Lunches. Thank you."

Representative Cabanilla for the Committee on Housing requested a waiver of the 48-hour advance notice rule to hear and have decision making on the following measure, tomorrow at 9:05, and the Chair "so ordered."

HB. No. 165, HD 1, Requesting the Department of Taxation to Conduct a Review of the Housing Tax Credits Issued by the Hawaii Finance Community Development Corporation.

**ADJOURNMENT**

At 1:10 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 10, 2010. (Representative Ito was excused.)