

FIFTEENTH DAY

Wednesday, February 10, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Miss Isabella Jolynn Walker, granddaughter of Ms. Judy Fomin of Representative Magaoay's office, after which the Roll was called showing all Members present with the exception of Representative M. Lee, who was excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 172) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 172, dated February 1, 2010, transmitting the FY 08-09 Hawaii Coastal Zone Management Annual Report, pursuant to Section 205A-3(10), Hawaii Revised Statutes.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 58) was received by the Clerk and was placed on file:

Dept. Com. No. 58, dated January 21, 2010, from Loretta Fuddy, A.C.S.W., M.P.H., Chief, Family Health Services Division, Department of Health, transmitting the State of Hawaii Primary Care Needs Assessment Data Book for 2009.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Magaoay introduced Miss Isabella Walker's parents, Mr. Charlie and Mrs. Tracy Walker; as well as grandmother, Ms. Judy Fomin; and other staff members, Ms. Karess Purcell and Mr. Jordon Higa, UH Intern.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
38	Committee on Energy & Environmental Protection, then to the Committee on Judiciary

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
81	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Legislative Management
82	Committee on Energy & Environmental Protection, then to the Committee on Judiciary

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
2286, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2449	Committee on Transportation, then to the Committee on Judiciary

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>
165, HD1	Committee on Housing, then to the Committee on Finance
1914	Committee on Human Services, then to the Committee on Finance
1926	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
1947	Committee on Finance
1979, HD1	Committee on Finance
1980, HD1	Committee on Finance
1987, HD1	Committee on Public Safety, then to the Committee on Judiciary
2153	Committee on Finance
2206, HD1	Committee on Health, then to the Committee on Finance
2391	Committee on Finance
2702	Committee on Finance
2832	Committee on Finance
2837	Committee on Finance
2962	Committee on Finance

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, the Unfinished Business will be taken up at the end of the calendar."

H.B. No. 2249:
By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 196-10 and H.B. No. 134, HD 2:
By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 197-10 and H.B. No. 939, HD 1:
By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 198-10 and H.B. No. 1684, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

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 12:33 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 242-10) recommending that H.B. No. 2952, 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. 2952, pass Second Reading and be referred to the Committee on Finance, 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 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 rise in strong support of H.B. 2952 - Relating to Mopeds. Moped-related deaths and accidents have long been a concern here in Hawaii and I feel we have sat idle on this issue for far too long. We are here to protect the great citizens of Hawaii and it's our duty and our job to do such. This bill will save lives, lives that are all too often lost over loopholes and lack of enforcement of our laws.

"According to the DOT, moped-related accidents and deaths continue to rise each year. Currently the DOT estimates that there are twenty-two - thousand mopeds on the road, and, according to the Department of Health, more than 60 percent of severe head injuries come from moped-related crashes. We must rectify that number.

"I am deeply troubled by the fact that some operators modify mopeds in ways that make them unsafe and a public nuisance. Specifically, some operators disable or modify the speed governors on mopeds, allowing the moped to be operated at speeds in excess of safe and legal limits. Other operators choose to modify the exhaust system on mopeds to make a moped more powerful and much noisier than design or legal limits, posing a safety threat to the operator and pedestrians, as well as increasing noise pollution in residential neighborhoods.

"The Department of Transportation Services for the City and County of Honolulu feels that this is a good bill and they stated in their testimony that, "The Department of Transportation Services supports H.B. 2952. We agree that this matter requires further evaluation, and we will be happy to serve on the task force when it is convened."

"When I think of this bill, I can't help but think of Gerald Baltazar and how this teenager lost his life so tragically a few weeks back as a result of a moped-related accident. Gerald was seventeen years old, a kid with his entire future in front of him, but tragically neither he nor his family will see this future come to fruition. I invoke the words of Gerald's father Ernesto, "If rules had been in place, maybe my son would still be alive today. It's too late for my son, but maybe we can save someone else's son." 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. 2952, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 243-10) recommending that H.B. No. 2092, 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. 2092, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I am standing in strong support and would like to submit written comments."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support H.B.2092 Relating to Public Safety, which would establish an administrator position and an administrative assistant staff position for the State Fire Council.

"The institution of these positions would better allow the State Fire Council to perform their invaluable service to the State of Hawaii. These positions would specifically oversee daily operations of the State Fire Council, adopt the State Fire Code, coordinate fire mitigation training and data collections, and other tasks that are important to the safety and well-being of the state of Hawaii.

"The brave men and women who risk their lives answering this call to civic duty are not solely firefighters, but are also first responders during non-fire-related emergencies, community outreach educators, and an essential part of every community.

"I hope that as this bill moves through the Legislature, the Fire Council's vital role of protecting the people of Hawaii and providing guidance to both the Legislature and Governor is recognized. Because the State Fire Council plays such an integral part in maintaining Hawaii's quality of life, I ask that you support this measure."

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

"Thank you, Mr. Speaker. I rise in strong support, and may I have the written comments of the Representative from Mililani entered into the record as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2092, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 244-10) recommending that H.B. No. 2692, 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. 2692, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 244, with reservations. If the Senate had passed one of our bills six years ago, this would already be done. An amendment that I think Finance should consider is to take out the 44th and 45th District, and make it statewide. Thank you."

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

"Thank you, Mr. Speaker. I am standing in strong support and ask for written comments to be entered in the Journal."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in strong support. The purpose of this measure is to take action on a long standing problem for residents and businesses in the Waianae Coast. The Coast is comprised of approximately 60,000 people where Farrington Highway is the only main thoroughfare. During times of natural disasters, one of the first actions to take place is the closure of this roadway because of its close proximity to the ocean. An alternate roadway is not scheduled for a very long time. There have been numerous fires, a tsunami, hurricanes and powerful storms that warranted the closure of this highway. In addition, high winds cause electrical lines to go down and electricity is suspended. Gasoline used for transportation and clearing debris cannot be pumped; phones to call for an emergency or to check on loved ones cannot be used. Upon becoming isolated from the rest of the island, those in these districts are forced to rely on their best resource – themselves.

"Mr. Speaker, this bill does just that. It requires the Department of Civil Defense to prepare a disaster preparedness plan for the aforementioned communities. In addition, this measure includes community meetings from those directly impacted by the disaster, whatever it may be. It is extremely important to disseminate the plan before an event occurs. Let there be no question, an event will occur. The question is, "Will these communities be prepared?" House Bill 2692 proposes to do just this. The intent of this measure as mentioned earlier is to use our most precious resource, our people. Residents will be able to assist in providing insight and direction on past hazards. In some cases, exposure to such risks may be addressed in advance. The community can come forward to volunteer their services or equipment. Private businesses and citizens have access to heavy equipment vehicles necessary to clear the highway for safe passage. The City and County of Honolulu has relocated their Department of Facilities Maintenance to Kalaheo. State services are extremely limited. Non-profits working with our most vulnerable can provide information to the whereabouts of our *kupuna*, homeless and children.

"The fact of the matter is that in times of natural disasters, government's priority is to get government services up and running before anything else. This measure will empower the community to help themselves get online and work together when government is unable. A coordinated effort is what we need Mr. Speaker. Once completed, this plan may also be duplicated in other areas throughout the State; thus expanding the scope of this very important bill – a bill to save lives. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 245-10) recommending that H.B. No. 2504, 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. 2504, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 246-10) recommending that H.B. No. 2451, 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. 2451, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET ZERO ENERGY BUILDING PERMITTING," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 247-10)

recommending that H.B. No. 2522, 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. 2522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 248-10) recommending that H.B. No. 2907, 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. 2907, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of HB 2907

"This bill will require helmets to be worn by all ATV riders in State Parks. Sally L. Jones of the Queens Hospital Trauma Service testified that, "between 2005 and 2009 (data not yet complete for 2009), Queens Medical Center treated on average, an ATV accident victim each month. Of the 62 patients treated, 39 (63%) were known to be riding without a helmet; 37 (60%) were treated for some type of head injury and 1 patient died – he was not wearing a helmet."

"Nationally the number of ATV related emergency room visits has more than doubled in recent years. Despite the high injury rates over 850,000 of these vehicles are sold every year.

"The Department of Land & Natural Resources is presently constructing a track for recreational vehicles on Sand Island. It will be run by a private entity that will no doubt require helmet use.

"Because of the large number of injuries – and even deaths, incurred by the rising popularity of ATVs, it behooves the Legislature to pass a law that will at the very least, require helmets when riding in State parks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2907, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PARK SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 249-10) recommending that H.B. No. 2019, 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. 2019, entitled: "A BILL FOR AN ACT RELATING TO PARKS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 250-10) recommending that H.B. No. 2270, 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. 2270, 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 Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 251-10) recommending that H.B. No. 2582, 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. 2582, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition to Standing Committee Report No. 251. Thank you. House Bill 2582 authorizes the moorage for commercial vessels and commercial vessel activities in the State's small boat harbors, specifically two harbors. These are residential harbors intended for use by residents of Hawaii, and not commercial purposes. So the thousands of people who participate in these harbors, whether it be for residential fishing, some of them live in these harbors, and there are thousands of people who do canoe paddling in these harbors. Should this bill pass and we commercialize harbors like Keehi Boat Harbor or the Ala Wai Small Boat Harbor, these people will be displaced and I find that very problematic.

"Mr. Speaker, we have enough commercial boating space. Kewalo Basin, which is just a few blocks from the Ala Wai Small Boat Harbor, has empty moorings, and until the commercial space is filled at other harbors, I don't think we should think about commercializing small boat harbors, which were really intended for residential use. 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. 2582, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Brower voting no, and with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 252-10) recommending that H.B. No. 2835, 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. 2835, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am speaking against House Bill 2835, which is Relating to the Bureau of Conveyances. Thank you. Mr. Speaker, I can sympathize with landowners who reside next to a private roadway and they end up not knowing who actually owns that roadway and want to have that roadway maintained. The difficulty with this bill is that we're saying to the Bureau of Conveyances, you go do the work that that private landowner should be doing instead.

"The private landowner could do a title search. If that becomes too complicated, the private landowner could hire counsel to do it, and ultimately many of these little roadways' ownership will need to be determined pursuant to a quiet title action. That's not something the Bureau of Conveyances should do for the private landowners. That takes away the limited workforce, their time, and they have to do something that the private owner should actually be paying for and doing herself or himself. Thank you."

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

"Mr. Speaker, in support. The problem with what the previous speaker said is, to go and get the title search, or to have to hire a private attorney costs money. And what I've been told is, and I've looked at this myself for certain lanes in the 28th District, the amount of money is \$15,000 to

\$20,000 per lane. I have done 15 or 16 of them myself. When I first was elected I thought that this was a Palama problem, and that it was only me and the Representative from the 28th District who had this. But as I've looked at the issue more, it's not true. The Big Island has roads and one mile lanes that no one knows who owns them. We know that they're not State owned. We know that they're not county owned. But we don't know who does, and the Bureau of Conveyances is the government agency that deals with landownership.

"For most pieces of land you can determine who the owner is within a matter of minutes by just looking at the records. But for all these so-called, 'lanes in limbo,' there's no easy way to find out what they are, and I would suggest that even if this bill passes, there will be owners along streams, or lanes, or roads that will not have an owner identify. There's not going to be thousands and thousands of people asking for this service. There probably will be dozens. But we have a private lane ownership system and if you don't know who owns the land, all kinds of strange things happen.

"The City and County, just to take an example, Wong Lane, which is a tiny little lane in Palama. There are all sorts of things there. There's always trash piled up high there. The City and County came out and said, 'We're going to fine the owner of this property if they don't clean it up.' They couldn't identify who owned the property, so they couldn't fine anybody, and that's the problem over and over again. I think if we're going to have private property ownership system, we need to know who owns the property.

"Obviously pre-contact, there wasn't a private property system and there's more than one way to own land. But if we're going to have a private property system, we need to know who owns what so people can be held responsible for the things that happen on their land, and when it spills over onto other people's property. Mahalo."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. That's precisely my point; that this is going to be very costly for the Bureau. Assuming as the prior speaker said that there are only going to be a few dozen of these people, and then he gave the figure of \$15,000 to go and do this kind of a title search. You're talking about \$300,000 that the Bureau would be expending in time. They don't have the staff. They don't have the spare time to be able to do that kind of in-depth work.

"I sympathize with the property owners, but the ultimate action probably would be a quiet title action and then you need to have counsel taking you through that. I think those private owners need to make that decision and form a *hui* and fund that to be able to determine it, but I don't believe this State should do their work for them. Thank you."

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

"Mr. Speaker, I rise in favor with reservations. I realize the problem and I think someone should find out who owns several of these parcels of land. We have several streets in Kaimuki where the developer is long gone and the property was never dedicated to the City so the City won't take it. I think this bill should be called a 'No Man's Land Bill,' but I don't quite think that the Bureau of Conveyances is the right agency to undertake the funding of these studies. I agree with the previous speaker from Kailua, that it should be done by the private owners or adjacent owners who want to see improvements in the property. If they form a *hui* or something, perhaps they can undertake this job, but as the bill stands now I have this reservation. Thank you."

Representative Rhoads rose to respond, stating:

"Mr. Speaker, still in support. My response to that is, as far as I know, no *hui* has ever done that. I'm not aware of a single *hui* or single private property owner along one of these lanes who has filed a quiet title action. This has been a problem for decades and no one has done it. I think at some point you just have to say that the private sector is not going to take care of this problem and we've got to do something ourselves otherwise it's

never going to happen, because at this point it's not happening. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. I have reservations on this measure and I believe that it's not the responsibility of the Bureau of Conveyances to act as a party in looking at the particular property, or to require the Bureau of Conveyances to provide that particular service. That's not their role. What they should do is hire a good attorney like the good Representative from Kalihi and that area there to seek some redress to that particular problem.

"Mr. Speaker, it's not my style, but I would want to incorporate the message and words from the Representative of Kailua. It gives me a little pain when I do that, but she hit it right on the nail. It's not the role of the Bureau of Conveyances. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with strong reservations to H.B. 2835, Relating to Bureau of Conveyances. This bill allows any adjoining landowner to request the registrar to provide to the landowner any information of record relating to the management, control, and title of any public road, alley, trail, street, way, or other public highway and any waterway or water course, including rivers, streams, ditches, and *auwai*.

"My office has worked for years on fixing this issue. I do support the intent of this bill, however it needs work. I hope to see this bill amended to find a better solution. The DOT states in their testimony that this bill will, "cause undue hardship and take an extraordinary amount of time to accurately research, identify and provide available ownership information for highways, roads, lanes, alleys, and streams. There are no known existing available data bases at the Bureau of Conveyances for this bill."

"The Representative from District 28 stated that approximate costs are \$15,000 to \$20,000. One must ask, "where will the money come from to make this bill a reality?" Right now our economy is in dire straits with furloughs, lay-offs and many other economic challenges. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2835, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Finnegan and Thielen voting no, and with Representatives M. Lee and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 253-10) recommending that H.B. No. 2449, 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. 2449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY BOARDS OF WATER SUPPLY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 254-10) recommending that H.B. No. 2689, 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. 2689, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. No. 254, I am in favor with reservations. I think we should label this particular bill, 'We Should Look a Gift Horse in the Mouth Bill.' I don't know exactly what we would be receiving as a gift in this. It might be some serious liability issues, so I hope that the Finance Committee will look at the downside of the bill for the State very carefully."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2689, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 255-10) recommending that H.B. No. 2383, 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. 2383, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 256-10) recommending that H.B. No. 1943, 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. 1943, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 257-10) recommending that H.B. No. 2058, 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. 2058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 258-10) recommending that H.B. No. 2945, 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. 2945, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"In strong support with written comments please."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of HB 2945, Relating to Economic Development. This bill takes the best parts of Utah's Fund of Funds program in order to increase the availability of venture capital for the State's emerging industries. Other states have

used similar programs and have benefitted with improvements to capital availability and revenue generation.

"Over a thousand high-paying jobs were created in Utah because of their program. We need to give our businesses all the help they can get if we want to lower unemployment and do things like win more federal contracts and diversify our economy with high technology companies.

"For these reasons, Mr. Speaker, I strongly support HB 2945."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2945, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 259-10) recommending that H.B. No. 2423, 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. 2423, HD 1, pass Second Reading and be referred to the Committee on Finance, 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. The purpose of this bill is to require the Department of Education (DOE) to use zero-based budgeting principles in formulating the budget for the 2011-2012 fiscal year.

"Zero-based budgeting requires that the existence of a government program or programs be justified in each fiscal year, as opposed to simply basing budgeting decisions on a previous year's funding level.

"Zero-based budgeting is often encouraged by fiscal watchdog groups as a way to ensure against unnecessary spending. Zero-based budgeting, or some modified version of it, has been used in the private and public sectors for decades.

"Case studies about businesses and governments that have adopted zero-based budgeting, or some hybrid of it, generally report some improvement quantitatively or qualitatively. That is, the process has either saved money, improved services, or both.

"In addition to saving money and improving services, zero-based budgeting may increase restraint in developing budgets. It will reduce the entitlement mentality with respect to cost increases and make budget discussions more meaningful during review sessions.

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

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

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

"Mr. Speaker, this bill presents a chance to create clear transparency in the Department of Education budget, to cut any fat, choose priorities, and fund only what is necessary to the core mission of educating our children. With a zero-based budget the Department will build the budget position by position, program by program, from the ground up, and we will see where every dime goes."

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

Representative Belatti's written remarks are as follows:

"I rise in strong support of House Bill 2423, House Draft 1. With education appropriations amounting to approximately 23.06% of the State's total budget in fiscal year 2009, this bill has the potential to bring more clarity, transparency and accountability to the Department of Education's budgeting process that the public is demanding. Applying zero-based budgeting principles would require DOE programs to be justified in each fiscal year, as opposed to simply basing budgeting decisions on a previous year's funding level. While I believe we need to place public education as a top priority of government, we should hold ourselves accountable to the taxpayer. Beginning to use zero-based budgeting with the Department of Education would be a good start on the path to greater transparency and accountability."

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

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in strong support of HB 2423, Relating to Education Budget. Case studies show improvements in businesses and governments that use zero-based budgeting or a hybrid of it. It resulted in saved money, improved services or both.

"The Department of Education is already researching the procedures required to implement zero-based budgeting, as they should be. We don't have an unlimited budget and everyone has to find ways to save the State money.

"This bill will help show us what the real priorities are for the DOE and hopefully will help prevent the reoccurrence of ever furloughing our students again. For these reasons, Mr. Speaker, I strongly support HB 2423."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2423, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION BUDGET," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 260-10) recommending that H.B. No. 2605, 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. 2605, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 261-10) recommending that H.B. No. 1927, 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. 1927, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 262-10) recommending that H.B. No. 2302, 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. 2302, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm rising in opposition to House Bill 2302. This bill would put the Information Technology Officer into the Office of the Lieutenant Governor. Mr. Speaker, I see that the bill goes on to Finance and it may end up making sense to do it. But with the truncated budget of the Lieutenant Governor, it just wouldn't work to have this happen at this point. I would like to at this point vote no, but wait to see what action will be taken by Finance to beef up the Lieutenant Governor's budget. Thank you."

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

"Thank you, in opposition, Mr. Speaker. I believe that this is an Executive function. An administrative function and should be done at the department level and not in the Lieutenant Governor's Office. I have the same concerns about lack of resources for this function so I must vote no. Thank you."

Representative Ching 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Marumoto and Thielen voting no, and with Representatives M. Lee and Souki being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 263-10) recommending that H.B. No. 2565, 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. 2565, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 264-10) recommending that H.B. No. 2089, 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. 2089, 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 Takai rose to disclose a potential conflict of interest, stating:

"Thank you. Mr. Speaker, I'm an insurance broker and I would like a ruling on potential conflict of interest," and the Chair ruled, "no conflict."

Representative Takai continued in support of the measure, stating:

"Thank you, Mr. Speaker. I just wanted to rise briefly and support this measure. I believe in transparency and I think this bill should move forward. 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. 2089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 265-10) recommending that H.B. No. 2575, 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. 2575, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2575, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Second Reading and was referred to the Committee on Judiciary, with Representative Nishimoto voting no, and with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 266-10) recommending that H.B. No. 2801, 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. 2801, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'm standing in strong support for House Bill 2801, HD 1, Stand. Com. Report. No. 266-10. Just brief comments, Mr. Speaker. The Chair is aware that we need a letter from the Administration for an emergency appropriation for the release of any type of money to help our HHSC System. In the spirit of working together and being proactive, we wanted this measure to move forward to support that. If the Governor does see the same things that we've been seeing in our communities with the increased needs for healthcare, then this measure should continue to move forward to especially help those in our rural areas and our Neighbor Island colleagues. 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. 2801, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HAWAII HEALTH SYSTEMS CORPORATION FOR OPERATIONAL COSTS," passed Second Reading and was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 267-10) recommending that H.B. No. 1859, HD 1, 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. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was referred to the Committee on Finance, with Representatives M. Lee and Souki being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 268-10) recommending that H.B. No. 2652, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 268-10, that H.B. No. 2652, HD 1, be recommitted to the Committee on Health, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 2652, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL

PROCEDURES," was recommitted to the Committee on Health, with Representatives M. Lee and Souki 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 Souki were excused.)

THIRD READING

H.B. No. 1992, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2254, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER SECURITY," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2721, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

H.B. No. 2360:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2360, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 12:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1992, HD 1
H.B. No. 2254, HD 1
H.B. No. 2721, HD 1
H.B. No. 2360

END OF CALENDAR

UNFINISHED BUSINESS

At 12:51 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 12:56 o'clock p.m.

H.B. No. 2249:

Representative B. Oshiro moved that H.B. No. 2249, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

At 12:56 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

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

"Yes, just in support of the recommital. I just wanted to say thank you to those who made the motion because the entire Republican Caucus was against this measure. We really believe that it would have damaged the image of the House of Representatives in trying to promote an honest and open government that's not bought and paid for by contractors that get State contracts."

Representative Souki rose, stating:

"Mr. Speaker, I beg your forgiveness, but I believe that we should call for a vote on this measure, and not move for the recommital."

The Chair responded, stating:

"The motion before this Body at this point is a motion to recommit."

At 12:58 o'clock p.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

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

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in support of the motion to recommit H.B. 2249.

"The motion to recommit is in order because it is apparent that the majority of the Members of this Body do not support H.B. 2249.

"H.B. 2249 is a step backwards. It reverses the ban on government contractor contributions that the Legislature enacted only four years ago in 2005. The House Judiciary Committee has not articulated a basis to reverse the ban.

"There is a concern that H.B. 2249 will further erode public confidence in the Legislature. The concern is that over the past year, the Legislature has not addressed statewide matters, but has focused on narrow issues that may be deemed to be self-serving. The following opinion piece that was published in the Honolulu Advertiser on February 1, 2010, articulates this concern:

Lawmakers in new move to line their pockets

February 1st, 2010 by David Shapiro, Honolulu Advertiser

You know the Legislature is back in session when Rep. Jon Riki Karamatsu is busy at work priming the already fat campaign chests of himself and his fellow legislators.

Last year, an outcry from clean elections groups forced the Judiciary chairman to back off a scheme to abolish limits on corporate donations to political action committees that support lawmakers' campaigns.

But Karamatsu and his colleagues won out in the end when the courts stuck down the limits, leaving corporations and labor unions to dominate elections while ordinary citizens, who can donate \$1,000 per election, have barely a whisper.

This year, less than two weeks into the session, Karamatsu has already pushed a bill through the Judiciary Committee to ease restrictions on campaign donations to candidates and political parties by government contractors — opening the door anew to the pay-to-play ethic that has fed charges of bribery and corruption in local government contracting.

HB2249 passed the Judiciary Committee by a 9 to 1 vote with only Rep. Della Au Belatti objecting, and could come up for a floor vote as early as this week despite opposition from the state Campaign Spending

Commission, Common Cause Hawai'i and Americans for Democratic Action. Nobody testified in favor of the measure.

"This change would open the way to allegations or the reality of corruption and further decrease the confidence the public has in state government," said Barbara Polk of ADA. "The public needs to know that government contracts are not awarded on a quid pro quo basis, depending on contractors contributions to candidates or parties."

Nikki Love of Common Cause said, "The existing law is the result of a 'pay to play' reform enacted in 2005 in response to public concern about ties between contracts and political contributions. The existing law is clear and simple. The question now is: Why change this law? We believe that there is already enough money in politics."

Attacks on campaign spending limits are usually piously tied to the free-speech rights of special interests.

But Karamatsu, who may run for lieutenant governor, has tied it to legislators' rights to have more corporate money — and for uses other than campaigning, such as making charitable contributions out of their campaign funds instead of out of their own pockets like everybody else.

He chastised critics last year that "costs have gone up extraordinarily ... you're tying our hands on what we can do here."

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"This Body should maintain standards and stand for reform. Ironically, our counterparts in the U.S. Congress are now working on legislation to ban government contractor contributions, in response to the U.S. Supreme Court's decision in Citizens United v. Federal Election Commission. We should point to our existing statutory government contractor contribution ban as a model. Thank you, very much."

Representative Rhoads rose to speak in support of the motion to recommit, stating:

"In support of the motion to recommit. I just want to congratulate the Minority Party here in the State of Hawaii for breaking ranks with their national counterparts who want as much corporate money in the process as possible. Mahalo."

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

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

"Mr. Speaker, recommitting this bill will preserve and uphold the barrier between campaign contributions and the reward of government contracts. We must not open the floodgates to political campaign contributions from companies bidding on contracts with the State. It's called "pay to play" in DC, and allowing it will undo decades of progress fighting corruption and old boy politics.

"Absolutely nobody testified in favor of this bill, yet, our House has pushed this bill forward. This could be one of the first bills we pass out this year, and it is a bill designed to fill our political coffers and benefit us. We cannot allow this bill to pass, and we must re-commit it."

Representative Ward rose, stating:

"Mr. Speaker, I would like to rebut that. With the McCain-Feingold legislation supported by a Republican and a Democrat, and those who are associating the National Republican Party with the party of corporate money, if you look at the ruling that was just made by the Supreme Court, it's for unions and for corporations. So I would like Chair, if I could move that this gentleman's remarks be stricken from the record please."

The Chair responded, stating:

"No. Not at this point."

Representative Pine rose to respond, stating:

"Yes, in rebuttal and in support of the recommittal. Actually I just wanted to clarify the Labor Chair's comments. We're actually breaking ranks also from the National Democrat Party that wants corporate contributions."

The Chair addressed Representative Pine, stating:

"Representative Pine, please confine your remarks to this motion to recommit. That's all we're talking about, the motion to recommit. If you want to insert written comments, you may, in support, but I'll be checking on what you're writing in the written comments. It is the motion to recommit that is being debated, and not this issue that is contained in the bill."

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

"Thank you, Mr. Speaker. I'm rising in support of the motion to recommit. Thank you. This shows the power of six, Mr. Speaker. Thank you."

Representative Belatti rose in support of the motion to recommit 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 support of the recommitment of House Bill 2249. Recommitment is proper here where the underlying bill clearly does not have support for passage. It is baffling how this bill has moved forward without anyone stepping forward to defend the move to weaken a well-reasoned prohibition on political donations by those who benefit from contracts that are ultimately funded by taxpayer monies. This lack of support for the underlying bill is laid bare by the fact that the only testimony provided in Committee was testimony in opposition. Until reasons are publicly articulated in support of this measure, recommitment of this bill is a wise decision by this House."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the motion to recommit H.B. 2249, Relating to Elections. I believe that the current law is sound and I am not sure changing the law is required. I have concerns that this measure might give the perception of impropriety and could cause people to lose faith in our political system. This belief is based on the very real "pay-to-play" attitudes that existed before the enactment of the current law. The Americans for Democratic Action, Common Cause, and the State Campaign Spending Commission have all brought up concerns on this measure and state in their testimony that they cannot support this measure. I think the old adage of "If it's not broke, don't fix it" certainly applies here. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2249, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was recommitted to the Committee on Judiciary, with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 196-10) recommending that H.B. No. 134, HD 1, as amended in HD 2, pass 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. 134, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 197-10) recommending that H.B. No. 939, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 939, HD 1, pass Third Reading, seconded by Representative Evans.

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

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

"Mr. Speaker, it is important we protect our beaches from unchecked overdevelopment. Kailua Beach is eroding, yet houses are being built closer and closer to the waters edge. New construction on Kailua Beach must go through the appropriate permitting process and we must be sure that process adequately assesses the potential impacts new structures will have on our beach."

Representative Ching 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 Berg 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and with Representative M. Lee being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 198-10) recommending that H.B. No. 1684, HD 1, as amended in HD 2, pass 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. 1684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative M. Lee being excused.

At 1:03 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 134, HD 2
H.B. No. 939, HD 1
H.B. No. 1684, HD 2

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 38) and concurrent resolutions (H.C.R. Nos. 81 and 82) were referred to Printing and further action was deferred:

H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING THE INVESTIGATION AND CLEANUP OF THE ILLEGAL DISPOSAL OF TRASH AT NORTH SCHOOL STREET AND RICHARD LANE IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING IN THE AREA," was jointly offered by Representatives Manahan and Mizuno.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS

INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES," was offered by Representative Mizuno.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INVESTIGATION AND CLEANUP OF THE ILLEGAL DISPOSAL OF TRASH AT NORTH SCHOOL STREET AND RICHARD LANE IN KALIHI AND THE DEVELOPMENT AND IMPLEMENTATION OF MEASURES TO PREVENT ILLEGAL DUMPING IN THE AREA," was jointly offered by Representatives Manahan and Mizuno.

ANNOUNCEMENTS

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs requested a waiver of the 48-hour advance notice rule to have decision making on the following measure on Thursday, February 11, at 11:30 a.m. in Conference Room 312, and the Chair "so ordered."

HB No. 1926, Relating to the Department of Business, Economic Development, and Tourism.

ADJOURNMENT

At 1:04 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, Thursday, February 11, 2010. (Representative M. Lee was excused.)